

# CITY COUNCIL REPORT



Meeting Date: May 14, 2019  
 Charter Provision: *Provide for the orderly government and administration of the affairs of the city*  
 Objective: *Determine Policies*

## ACTION

**Accept citizen comments at a public hearing regarding proposed rates and fees**

**Adopt Rates and Fees Ordinances and Resolutions**

**Adopt Resolution No. 11436 and Ordinance No. 4391**, amending Scottsdale Revised Code, Chapter 49, Water, Sewer and Sewage Disposal sewer/water reclamation rates and miscellaneous charges, effective July 1, 2019 and adjusting water rate (volumetric and base) charges effective November 1, 2019.

**Adopt Ordinance No. 4392**, amending Scottsdale Revised Code, Chapter 24, Solid Waste Management by adjusting solid waste rates and charges, effective July 1, 2019.

**Adopt Resolution No. 11418**, authorizing and approving adjustments to the Planning and Development Services Department's rates and fees, effective July 1, 2019.

**Adopt Resolution No. 11465**, authorizing the Tourism and Events Department to establish event directional banner fees, effective July 1, 2019.

**Adopt Resolution No. 11466**, authorizing the Tourism and Events Department to adjust their fees for special events and permits, effective July 1, 2019.

**Adopt Resolution No. 11429**, authorizing and approving WestWorld's fees for FY 2019/20 and authorizing the City Manager to execute WestWorld's agreements that contain negotiated fees, effective July 1, 2019.

**Adopt Resolution No. 11440**, authorizing and approving adjustments to the Community Services Division schedule of program charges, rental fees and fines, effective July 1, 2019.

**Adopt Resolution No. 11424**, authorizing an adjustment of fees and charges by Public Safety – Fire, effective July 1, 2019.

## **BACKGROUND**

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The city's Comprehensive Financial Policies and Governing Guidance require that enterprise (Water, Sewer and Solid Waste Management) user fees and charges be examined annually to ensure recovery of direct and indirect costs of service, debt service, provide adequate funding for future capital needs and be approved by the City Council.

The financial policies also require that all other user fees and charges be examined periodically to determine the direct and indirect cost of service recovery. The acceptable recovery rate and any associated changes to user fees and charges are to be approved by the City Council. Based on these policy directives, this report includes findings and recommendations for FY 2019/20.

## **ANALYSIS & ASSESSMENT**

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### **Enterprise Rates and Fees**

As prescribed by the city of Scottsdale's adopted Comprehensive Financial Policies, the city sets rates for Water, Sewer, and Solid Waste Management customers based on an annually updated five-year financial plan for each enterprise fund. The five-year plans are used to ensure that rate adjustments generate sufficient revenues to cover costs of serving customers and to maintain adequate reserves in accordance with the city's adopted financial policies. Reserve policies provide for contingencies and stabilize rate increases over the five-year planning period. As part of the comprehensive planning effort, the impact on the combined utility/service bill is carefully considered in determining the appropriate balance between rate increases and debt financing. To accomplish this objective, the city may systematically incorporate marginal rate increases in conjunction with debt financing to avoid acute rate escalations at any point in time.

**Water and Sewer State Public Notification Process:** State statutes establish the public notice and public hearing process to ensure that city water and sewer customers receive adequate notice time, the ability to study the rate report supporting the proposed rate increases, and the opportunity to speak at a public hearing regarding the proposed increases. Specifically, for water and sewer services, State statutes require:

- Adoption of a notice of intention to modify rates and miscellaneous water charges at a regular Council meeting (March 5, 2019) and setting of a date for a public hearing (May 14, 2019) on the proposed changes to be held not less than 60 days after adoption of the notice of intention;
- Posting of a written report or data supporting the changes with the City Clerk at least 30 days prior to the public hearing (March 15, 2019);
- Publication of a notice of public hearing regarding city's intention to modify rates and miscellaneous water charges in a newspaper of general circulation within the boundaries of the municipality not less than 20 days prior to the public hearing date (April 23, 2019);
- A public hearing at a City Council meeting (May 14, 2019);
- Adoption of the proposed changes any time after the public hearing (May 14, 2019);
- Implementation of changes no sooner than 30 days after adoption (proposed water rates effective November 1, 2019 and miscellaneous charges and sewer rates effective July 1, 2019).

**Recent Staff Action – Water and Sewer**

In accordance with its adopted financial policies, the city completed the annual updates to the comprehensive five-year financial plans that incorporate all projected operating and capital revenues and expenses to determine the cash needs of the Water and Sewer Enterprise Funds. The city is proposing modifications to the water and sewer rates that will increase revenues by approximately 3.0 percent and 2.0 percent, respectively. The city is also proposing an increase to miscellaneous charges to meet cost recovery requirements for services provided to specific customers. As part of the comprehensive planning effort, the impact on the combined utility bill for water and sewer service was carefully considered in determining the appropriate balance between the proposed rate adjustments and debt financing. Based on the updated five-year financial plans, a synopsis of revenue requirements and recommended miscellaneous charges are explained below:

**Water Fund**

Revenue requirements for the Water Fund are impacted by increasing actions required for asset and system replacement, drought preparedness, rising costs of raw water, increasing maintenance of aging infrastructure, and the increasing cost of technology required to operate the city's sophisticated water systems. Other factors affecting the Water Fund revenue requirements over the five-year planning period include:

- Groundwater treatment operating costs to improve the reliability and water quality of South Scottsdale wells
- Water distribution system improvements that are essential to ensure water system safety and reliability
- Operating cost increases for conservation initiatives and personnel services

Increases to base fees are proposed to better reflect the recovery of fixed operating costs and adjusted to capture the demand availability designed into the system. Proposed volumetric rate changes for residential and commercial customers include an increase in tier two through five.

Overall, the water base fee and rate adjustments are forecasted to generate an annual revenue increase of approximately \$3.0 million, or 3.0 percent, and are effective November 1, 2019.

The current and proposed base fees, tiers and commodity rates are as follows:

Base Fees (All Customers)		
Size	Current Fee	Proposed Fee
5/8" Meter	\$12.40	\$13.00
3/4" Meter	\$16.00	\$16.80
1" Meter	\$22.60	\$23.80
1.5" Meter	\$37.20	\$39.00
2" Meter	\$49.70	\$52.00
3" Meter	\$98.80	\$104.00
4" Meter	\$154.40	\$162.50
6" Meter	\$308.90	\$325.00
8" Meter	\$430.00	\$455.00



Residential Commodity Rates and Tiers						
Tier	Current			Proposed		
	Rate	From	To	Rate	From	To
1	\$1.65	0	5,000	\$1.65	0	5,000
2	\$2.95	5,001	12,000	\$3.00	5,001	12,000
3	\$3.75	12,001	30,000	\$3.90	12,001	30,000
4	\$4.85	30,001	65,000	\$5.20	30,001	65,000
5	\$5.70	Over	65,000	\$6.10	Over	65,000
Rates are Per 1,000 Gallons						

Commercial/Landscaping Commodity Rates and Tiers						
Tier	Current			Proposed		
	Rate	From	To	Rate	From	To
1	\$1.65	0	5,000	\$1.65	0	5,000
2	\$2.95	5,001	12,000	\$3.00	5,001	12,000
3	\$3.75	12,001	30,000	\$3.90	12,001	30,000
4	\$4.25	Over	30,000	\$4.60	Over	30,000
Rates are Per 1,000 Gallons						

### **Sewer Fund**

Revenue requirements for the Sewer Fund are impacted by asset and system replacement, capital costs for wastewater treatment and collection systems improvements to address aging infrastructure, and the increasing cost of technology required to operate the city's sophisticated wastewater systems. Other factors affecting the Sewer Fund revenue requirements over the five-year planning period include:

- Maintenance costs to ensure regulatory compliance with Capacity, Management, Operations and Maintenance (CMOM) regulations and to minimize wastewater overflows
- Odor control maintenance and repair costs
- Operating cost increase for personnel services

Increases to base fees are proposed to better reflect the recovery of fixed operating costs and adjusted to capture the demand availability designed into the system.

Proposed volumetric changes for residential and commercial customers include an increase in all categories by approximately 1.1 percent.

Overall, the sewer rate changes are forecasted to generate an annual revenue increase of approximately \$0.8 million, or 2.0 percent, and are effective July 1, 2019.

The current and proposed base fees, tiers and volumetric rates are as follows:



Base Fees (All Customers)		
Size	Current Fee	Proposed Fee
<b>5/8" Meter</b>	\$3.50	\$3.75
<b>3/4" Meter</b>	\$3.50	\$3.75
<b>1" Meter</b>	\$3.50	\$3.75
<b>1.5" Meter</b>	\$21.00	\$22.50
<b>2" Meter</b>	\$49.00	\$52.50
<b>3" Meter</b>	\$63.00	\$67.50
<b>4" Meter</b>	\$92.00	\$99.00
<b>6" Meter</b>	\$175.00	\$187.50
<b>8" Meter</b>	\$245.00	\$262.50

Customer Category	Current Rate	Proposed Rate
<b>Single Family Residential</b>	\$2.64	\$2.67
<b>Multi-Family Residential</b>	\$2.64	\$2.67
<b>Commercial without Dining</b>	\$2.64	\$2.67
<b>Commercial with Dining</b>	\$3.52	\$3.56
<b>Hotels without Dining</b>	\$2.88	\$2.91
<b>Hotels with Dining</b>	\$3.52	\$3.56
<b>Car Washes</b>	\$2.61	\$2.64
<b>Commercial Laundry</b>	\$3.17	\$3.20
<b>Metal Platers</b>	\$2.91	\$2.94
<b>Laundromats</b>	\$2.64	\$2.67
<b>Restaurants/Bakeries</b>	\$4.92	\$4.97
<b>Service Station Auto Repair</b>	\$2.64	\$2.67
<b>Medical Institutions</b>	\$2.64	\$2.67
<b>Schools</b>	\$2.64	\$2.67
Rates are Per 1,000 Gallons		

Long Term Financing – To address water and sewer expansion, rehabilitation and replacement needs the city may issue up to \$30.0 million in long term debt over the five-year planning period.

#### **Water and Sewer Miscellaneous Charges**

To address cost recovery, increases to several miscellaneous charges are proposed effective July 1, 2019, to meet the city's financial policy that charges recover all direct and indirect costs of service. Miscellaneous charges are assessed to specific users of the service so that general rate payers do not bear the burden. The proposed miscellaneous charges increases include:



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Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
<b>5/8" Service Line</b>	per sale/replacement	\$1,215	\$1,277	\$62	\$186
<b>5/8" Meter and Service Line</b>	per sale/replacement	\$1,465	\$1,539	\$74	\$222
<b>3/4" Service Line</b>	per sale/replacement	\$1,215	\$1,277	\$62	\$1,240
<b>3/4" Meter and Service Line</b>	per sale/replacement	\$1,515	\$1,583	\$68	\$1,360
<b>1" Service Line</b>	per sale/replacement	\$1,220	\$1,281	\$61	\$15,250
<b>1" Meter and Service Line</b>	per sale/replacement	\$1,535	\$1,612	\$77	\$19,250
<b>1.5" Service Line</b>	per sale/replacement	\$1,795	\$1,885	\$90	\$1,350
<b>1.5" Meter and Service Line</b>	per sale/replacement	\$2,325	\$2,442	\$117	\$1,755
<b>2" Service Line</b>	per sale/replacement	\$2,065	\$2,169	\$104	\$520
<b>2" Meter and Service Line</b>	per sale/replacement	\$2,725	\$2,862	\$137	\$685
<b>1" Construction Hydrant Meter Deposit</b>	per sale/replacement	\$500	\$750	\$250	n/a (deposit refunded when meter returned)
<b>1.5" Fire Service Line</b>	per sale/replacement	\$1,700	\$1,785	\$85	\$170
<b>2" Fire Service Line</b>	per sale/replacement	\$1,813	\$1,904	\$91	\$182
<b>Turn Off/On Service Within 24 Hour Period</b>	per instance service is turned on/off	\$135	\$142	\$7	\$14
<b>Raise/Lower Meter Over 15 Feet</b>	per sale/replacement	\$200	\$210	\$10	\$50
<b>Commercial Water Hauler Capital Recovery</b>	per account/per month	\$15	\$20	\$5	\$300

The miscellaneous charges adjustments are forecasted to increase revenue in FY 2019/20 by approximately \$45,000 and will be effective July 1, 2019.

Additionally, changes to the City Code for housekeeping updates, including processes, definitions and titles are also included and are proposed to be effective July 1, 2019.



**Solid Waste Fund**

Revenue requirements for the Solid Waste Fund are impacted by landfill disposal costs, market-driven reduction in recycling revenue and Fleet Management operating, maintenance and replacement costs. Other factors affecting the Solid Waste Fund revenue requirements over the five-year planning period include:

- Implementation of several strategies identified in the Community Solid Waste and Recycling Strategic Plan to divert brush and bulk collection from the landfill into the green waste program and increased emphasis on education and customer outreach
- Operating cost increase for personnel services

Increases to solid waste rates for residential and commercial refuse front load containers are proposed to better reflect cost recovery.

Overall, the residential solid waste rate changes are forecasted to generate an annual revenue increase of approximately \$1.5 million, or 8.7 percent. The commercial refuse front load container solid waste rate changes are forecasted to generate an annual revenue increase of approximately \$0.1 million, or 2.5 percent. Both residential and commercial rate proposals are effective July 1, 2019.

The current and proposed residential and commercial refuse front load container rates are as follows:

**Residential Solid Waste**

Residential Cart Rates - Includes 1x week refuse collection and 1x week recycling collection		
Container Size	Current Residential Monthly Rates	Proposed Residential Monthly Rates
20 Gallons	\$17.25	\$18.75
90 Gallons	\$17.25	\$18.75
300 Gallons	\$17.25	\$18.75
Additional Refuse Container	\$8.76	\$9.50
		Total rate of \$18.75 includes \$0.04 fee paid to the State of Arizona Section 49.836

**Commercial Solid Waste: Front Load**

Current Front Load Monthly Rates						
Container Size	Collection Frequency Per Week					
	1	2	3	4	5	6
2 Cubic Yard	\$82.50	\$165.00	\$247.50	\$329.75	\$412.25	\$494.75
3 Cubic Yard	\$88.75	\$177.50	\$266.25	\$355.00	\$443.50	\$532.25
4 Cubic Yard	\$95.25	\$190.25	\$285.25	\$380.25	\$475.25	\$570.25
5 Cubic Yard	\$101.25	\$202.50	\$303.75	\$405.00	\$506.25	\$607.50
6 Cubic Yard	\$107.50	\$215.00	\$322.50	\$429.75	\$537.25	\$644.75
8 Cubic Yard	\$116.75	\$233.25	\$349.75	\$466.50	\$583.00	\$699.50
Flat Multi-Container Discount	Additional refuse containers of two or more will be discounted a flat 10 percent; discount applied to least expensive container					



Proposed Front Load Monthly Rates						
Container Size	Collection Frequency Per Week					
	1	2	3	4	5	6
<b>2 Cubic Yard</b>	\$84.55	\$169.10	\$253.70	\$338.00	\$422.55	\$507.10
<b>3 Cubic Yard</b>	\$90.95	\$181.95	\$272.90	\$363.85	\$454.60	\$545.55
<b>4 Cubic Yard</b>	\$97.65	\$195.00	\$292.40	\$389.75	\$487.15	\$584.50
<b>5 Cubic Yard</b>	\$103.80	\$207.55	\$311.35	\$415.10	\$518.90	\$622.70
<b>6 Cubic Yard</b>	\$110.20	\$220.35	\$330.55	\$440.50	\$550.70	\$660.85
<b>8 Cubic Yard</b>	\$119.65	\$239.10	\$358.50	\$478.15	\$597.55	\$717.00
<b>Flat Multi-Container Discount</b>	Additional refuse containers of two or more will be discounted a flat 10 percent; discount applied to least expensive container					
<b>Commercial Manure Front Load Containers</b>	Commercial front load containers for disposal of manure or similar forms of animal or livestock waste may be made available by the city at a rate equal to the regular applicable Commercial Refuse Front Load Container rate multiplied by two.					

#### **All Other Rates and Fees**

Below is a summary of the other FY 2019/20 rates and fee proposals submitted for consideration at this meeting.

### **COMMUNITY & ECONOMIC DEVELOPMENT**

#### **Planning and Development Services**

The Planning and Development Services Department manages the development review process for the City of Scottsdale. Through this process, it regulates development and improvement of the property within the city. Prior to developing or improving property, plans must be submitted for review and, upon plan approval, permits must be obtained prior to commencing construction. User fees are designed to recover costs of providing these services related to the development process.

Per Scottsdale Revised Code Section 46-141, these fees shall be examined annually, and may by adoption of the City Council be adjusted accordingly. During the annual review of these fees, it was determined that the following items need to be addressed for FY 2019/20.

#### **Planning and Development Services – Base Fees**

User fees are being increased to help cover inflationary costs and department operating costs to provide for a better customer experience and to properly and timely address customer needs. User fees are designed to recover costs of these services.



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Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Base Rate and Fee Increase	per rate and fee	varies	varies	varies	\$900,000
Modify: Off-Hours Inspection Update: Re-inspection Fee	per inspection per inspection	\$238/hr. varies	\$250/hr. varies	5.0% increase varies	included above
Update: In Lieu Parking Fee	per user, permanent credit lump sum pymt.	\$13,613	\$13,800	1.4% increase	included above
Update: Engineering Site Review- Revision to Civil; Improvement Plans; Easements; Releases	per sheet	\$250	\$260	6.0% increase	included above
Update: Engineering Review Civil and Improvement Plans	per sheet	\$730	\$770	5.5% increase	included above
Update: ROW; Driveway; Box Culvert; Sewer Main; Pipe Encasement; Underground Conduit; Streetlight; Traffic Signal	per permit	varies: per sq. yard; linear ft; per unit	varies: per sq. yard; linear ft; per unit	varies: averages 5.0% increase	included above

### Planning and Development Services – Additional Rates and Fees

- Establish Marshalling Yard/Storage Fee
  - Application fee and fee for staging and storing equipment/materials for private development construction on city property
- Establish Development Agreement Application Fee
  - To cover additional staff time to develop and coordinate development agreements between the city and applicants
- Establish a fee to charge electric vehicles if public electric vehicle charging stations are installed  
*Note to clarify: On the city's website, Exhibit A in the Notice of Proposed New Fees or Fees Increases – Fiscal Year 2019/20 indicates Scottsdale is installing these vehicle charging stations. These vehicle charging stations are included within three solar capital projects that are included in a Bond 2019 question. If the Bond 2019 question is approved by voters in November 2019, then Scottsdale plans to install the charging stations. If the question is not approved by voters, Scottsdale plans to seek opportunities for outside companies/organizations to cover the cost of installation.*

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Marshalling Yard/Storage	application fee \$1,000 + \$0.10 per sq. ft/per week	n/a	varies	varies	\$5,000
Development Agreement Application	per application	n/a	\$2,000	\$2,000	\$4,000
Public Electric Vehicle Charging	per hour	n/a	\$2	\$2	\$1,700



**Planning and Development Services - Wireless Communications Facilities (WCF) Fees**

Annual fees for encroachment permits for WCFs located in the city Rights Of Way (ROW). The original rate schedule was approved in 2009. Licenses and leases for wireless communication sites on city property have annual escalators set at approximately 3 to 5 percent of the annual rent. The encroachment permit fees for wireless sites in the ROW have historically been increased approximately 3 percent annually.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
WCF in ROW, excluding pre- July 2009 sites	per charge	varies	varies	varies	\$10,000

**Planning and Development Services – Small Wireless Facilities (SWF) in Right-of-Way (ROW) Fees**

Fees for encroachment permits for SWF located in the city ROW. Arizona HB2365 allows for batching of similar applications at a reduced application fee, as follows:

- \$750 for 1st site
- Submitting 2-5 similar applications, the fee is \$100/ea.
- Submitting 6-25 similar applications, the fee is \$50/ea.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
SWF in ROW Fees (application batching)	per charge	varies	as listed above	varies	\$10,000

**Planning and Development Services – Stormwater Management Fees** - Goal No. 2 of the Public Services and Facilities Element of Scottsdale's adopted General Plan is to protect the health, safety, and welfare of the public from the impacts of flooding. Stormwater Management staff review development applications and these user fees are designed to recover costs of these services.

The portion for the Sewer Fund is to help maintain stormwater drainage apparatus.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Stormwater Fee Sewer Fund - Increase	per customer / per month	\$0.25	\$0.30	\$0.05	\$54,250
Stormwater Fee Drainage and Flood Control Capital Projects - Increase	per customer / per month	\$2.00	\$2.95	\$0.95	\$1,030,750



**Planning and Development Services – Administrative Changes (no \$ increase)**

- Annual Facilities Permit – For administrative ease for customers and staff
- Solar Permits and Reviews – To comply with Arizona State solar fee requirements
- Stormwater Reviews – To maintain standardization with County Flood Control
- Records Department fees – To maintain standardization of fees

**Tourism and Events****Special Events Application Review and Permit Fees**

Effective July 1, 2016, the City Council adopted new fees for the special event applications, permits and the temporary use of city property to be used as a special event venue. This was part of the comprehensive update to the Special Events Ordinance. Staff annually reviews the application and permit fees and public property use fees to determine whether recommendations should be made to these fees including increases, decreases, eliminating or adding new fees.

There are three fee categories for special event review application and permits: Review Fee, Simple Permit, and Standard Permit. Staff is recommending all three fees be increased in FY 2019/20. There are no proposed changes to public property use fees.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Application Review Fee	by review fee	\$75	\$90	\$15	\$2,500
Simple Permit	by permit	\$25	\$50	\$25	\$2,300
Standard Permit	by permit	\$175	\$200	\$25	\$1,900

**Special Event Directional Banner Program Application Review and Permit Fees**

As adopted by City Council in January 2011, city staff established an Event Directional Banner Program that allowed special events to supply event banners to be hung by the city's Street Operations Department on city owned street light poles in Old Town and North Scottsdale and two horizontal banners on Scottsdale Road also in Old Town. At the time of implementation through this fiscal year, no fees were required of the special event. The only financial requirement was reimbursement of Streets Operations overtime for the installation and deinstallation of the banners.

Many cities throughout Arizona and the U.S. have established fees for their street banner programs. Staff analyzed several other cities' fees and regulations and proposes establishing an application fee and per pole usage fee along with new requirements.

Because the prices varied significantly from one city to another, staff utilized our own data to establish the recommended fees. The recommended application review fee mirrors the increased fee recommendation for a special event application review. For the per banner fees, staff used the average cost of overtime installation and deinstallation and divided that amount by the number of



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banner poles available to establish pricing fees. Fees collected from the application and banner fees would go into the General Fund. The recommendations align with current special event application and permitting processes and rates.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Application Review Fee	by review fee	\$0	\$90	\$90	\$900
Horizontal Banner Fee	by permit	\$0	\$150	\$150	\$3,000
Street Light Banner Fee	by permit	\$0	\$25	\$25	\$12,500

### WestWorld

The city operates WestWorld under a Cost Sharing Recreational Land Use Agreement with the Bureau of Reclamation (BOR). Article 4, Section A of the Agreement requires the city to review the WestWorld fee schedule "not less often than every five years." Per city Financial Policies, these fees are reviewed periodically.

As part of the annual WestWorld fee review, the following fee changes are proposed in an effort to bring fees closer in line with the quality of what WestWorld offers.

### Outdoor Hall Horse Stalls

Staff is proposing a revised fee for outdoor horse stalls based on market demand and to bring it closer in line with the quality of offering.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Outdoor Horse Stalls	per stall/per day	\$17	\$18	\$1	\$38,300

### RV Parking

Staff is proposing amending the rate for overnight RV parking based on market demand and to bring it closer in line with the quality of offering.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
RV Parking	per night	\$27	\$29	\$2	\$22,800

### Labor Rate with Equipment

Staff is proposing a revision in the cleanup labor rate to fully recover cost of employees performing billable labor support services.



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Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Cleanup Labor Rate	per hour	\$25	\$28	\$3	\$19,400

### COMMUNITY SERVICES

On July 18, 1988, the City Council passed Ordinance No. 2022 establishing a process for setting fees and charges for city recreation facilities, equipment and programs. The Ordinance, codified as Scottsdale Revised Code Sections 20-51 and 20-52, establishes the authority of the City Council, from time to time, to set all such fees and charges by resolution.

The Community Services fee review process includes cost recovery analysis, municipal benchmarking, ensuring fee consistency and assessing public and administrative impacts. During the annual review it was determined that the following rates and fees need to be adjusted:

#### Indian School Park Field Rental

Professional Baseball staff analyzed like fields that are also kept at a professional baseball level to establish new rental rates for use of the fields at Indian School Park. Staff compared the auxiliary/practice field rates of all other spring training facilities throughout the valley. They determined that the current rental rate now falls below the average for like facilities. The fee increase also takes into consideration the increased costs of maintaining the fields at a professional level and staffing costs.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Indian School Park Field Rental	per field/per hour	\$45	\$60	\$15	\$2,700

#### Indian School Park Field Preparation

The Professional Baseball staff rent out professionally maintained fields at Indian School Park. When rented for a baseball game, field preparation is needed for each game. Field preparation typically includes preparing the pitching mound, batter boxes, laying field conditioner, watering the infield dirt and painting of boxes and foul lines. The preparation fee was established over ten years ago and staff reviewed to make sure that the fee will meet the current cost for preparing the field for a game. Staff took the average cost of materials and staff time to prepare a baseball field for a game and is proposing a fee increase to recover the field preparation work.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Indian School Park Field Preparation	per field prepped	\$50	\$75	\$25	\$2,500

#### Scottsdale Sports Complex

The Scottsdale Sports Complex (SSC) has two field usage fee categories: 1) Hourly reservations which are booked per field, per hour; and 2) Full-facility reservations which include the entire facility (10 fields) for the entire day (2 consecutive days minimum). The current fee structure has both a youth



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and adult hourly and day rate. SSC staff is proposing to go to one standard rate for each category. Staff discovered the youth reservation fees are now below the valley average (\$28/hour) and below Scottsdale's sports field reservation office fee structure (\$30/hour). Also, this increases cost recovery efforts. SSC is the only valley facility to offer a full-facility rate and, therefore, benchmarking was not possible. The full-facility rate, however, is priced to generate economic impact that comes with 2-day/full-facility events.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
SSC– Field Hourly Reservation	per field/per hour	\$24	\$30	\$6	\$30,100
SSC – Full Facility Reservation	per day (2-day min)	\$1,500	\$1,700	\$200	\$13,000

### Aquatics Sponsored Team/Partner

In 2009, an aquatic sponsored youth teams fee was established at \$3 per lane, per hour. Fee revenues are deposited into the Special Programs Fund and are specifically used to maintain aquatic facilities. With higher operational costs and discussion with the teams, staff is recommending increasing the per lane, per hour fee for the pool lanes to help recover costs of commodities, utilities and staffing requirements. Fee revenues will continue to be deposited into the Special Programs Fund to help maintain aquatic facilities. Also, changing the dive well fee from a single \$3 per lane, per hour fee to an entire dive well fee of \$12 will make it easier for calculating and administering fees for sponsored teams/partners through the city's ActiveNet reservation system. Fee revenues from the dive well will continue to be deposited into the Special Programs Fund to help fund maintenance and repair of aquatic facilities.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Sponsored Team/Partner – Lane Rental – Short Course	per sponsor/partner team, per lane, per hour	\$3	\$4	\$1	\$34,700
SSC – Full Facility Reservation	per sponsor/partner team, per hour	\$3	\$12	\$9	\$1,100

### Daily Commercial Film Permit (non-reservable area)

Community Services facilities reservation office charges reservation fees for film permits. Companies request to use non-reservable park space to film or photograph projects for commercials, movies, TV shows and print media. Non-reservable park space is an "open area" and not a facility that has a predetermined reservation fee. Commercial non-reservable film permit requests are from for-profit production companies. This adjustment brings the daily commercial film permit fee in-line with that of the commercial use area rates for parks and the Preserve and is intended to cover the additional staffing costs required to accommodate this filming.



**City Council Report | FY 2019/20 PROPOSED RATES AND FEES**

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Daily Commercial Film Permit (non-reservable area)	per permit/per day	\$120	\$300	\$180	\$1,100

**Damaged/Lost Library Materials/Kit Replacement**

Scottsdale library offers patrons special materials and activity-oriented kits to circulate to our community. These materials and kits generally remain a part of our collection for a relatively short period of time compared to the typical library material. The kits may be available for 12-18 months (science kits) or multiple years (brain boxes). The contents and the associated costs vary depending upon the materials or kit contents. Library staff is proposing implementing a direct cost fee formula for these special materials and kits to recover the direct replacement cost of any damaged or lost materials or kits.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Damaged / Lost Library Materials / Kit Contents / Kit Replacement	per item damaged/lost materials, kit contents or full kit	n/a	Actual cost of item or if multiple items, the average item cost of kit contents. If the material or equipment is provided to the Library by a non-City of Scottsdale partner, the fee charged will be up to the cost of the materials paid for by the partner organization.	varies	\$0

**Drop-In Table Tennis**

Senior centers currently offer free table tennis multiple times weekly. The senior centers provide the staff time and space for daily room set-up and teardown of the tables and other equipment. While these rooms are being used for free table tennis they cannot be used for other revenue-generating programming. Also, the table tennis times are advertised by an outside table tennis club, drawing significant crowds that are outside the target demographic of the senior centers. Therefore, staff is proposing a \$2 daily drop-in fee for table tennis participants to cover the costs of daily and tournament play and to bring Scottsdale in line with what the cities of Phoenix and Glendale charge for their daily table tennis drop-in use.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Drop-In Table Tennis	per day/per participant	n/a	\$2	\$2	\$5,200

**McCormick-Stillman Railroad Park**

The McCormick-Stillman Railroad park operates a fully-functional railroad with scale steam and diesel locomotives, riding cars, a one-mile track, and a railroad operations program that includes heavy equipment, a machine shop and a variety of specialty functions unique to trains and railroad management. The park's other signature ride is a vintage 1950 Allan Herschell carousel. The current fees for a train ride and a carousel ride are \$2 each. The train ride fee was last increased 12 years ago in 2007 from \$1 to \$2 and the carousel ride fee was increased from \$1 to \$2 in 2012. Since these fee increases were implemented, the cost to operate the park has significantly increased. Park operating



## City Council Report | FY 2019/20 PROPOSED RATES AND FEES

expenses such as staffing, contractual services, commodities, food for resale, and souvenirs are all covered through the fees and revenue generated by rides. The park regularly evaluates the market related to valley amusement parks that offer train rides and our train ride fee has been below market for years. Currently, competitors in the Phoenix area charge between \$4 and \$6.25 for a train ride (Chandler Desert Breeze \$4.50, Freestone Railroad \$4.50, Enchanted Island \$6.25, Phoenix Zoo \$6). Staff also benchmarked carousel rides in the Valley or in similar environments and found that we are under market value (Chandler Desert Breeze \$3, Enchanted Island \$5, Freestone Railroad \$3, Phoenix Zoo \$3, Superstition Springs Mall \$3).

Increasing the park's train and carousel rides from \$2 to \$3 each will help cover increased operating costs while remaining at or lower than valley market prices. The Scottsdale Railroad and Mechanical Society voted unanimously to support the proposed \$3 fees.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Train Ride	per ride	\$2	\$3	\$1	\$300,000
Carousel Ride	per ride	\$2	\$3	\$1	\$215,000

### PUBLIC SAFETY – FIRE

Public Safety – Fire issues Fire Service Safety permits during normal business hours and performs fire inspections.

Fire will also increase permit rates due to the higher cost of issuing permits in man hours and the growing economy resulting in a greater number of events needing permitting in Scottsdale. For a better customer experience, cross-departmental fees collected at the One Stop Shop are similar, such as some Planning and Development fees.

Program/Fee	Fee Assessed	FY 2018/19 Current Fee	FY 2019/20 Proposed Fee	Change in Fee	Revenue Change
Fire Service Safety Permits Basic Rate	per permit	\$165	\$175	\$10	\$2,000
Tent Fire Safety Permit 1-9 Vehicles	per permit	\$165	\$175	\$10	\$200
Tent Fire Safety Permit 10+ Vehicles	per permit	\$495	\$525	\$30	\$600
Vehicle Display Safety Permit 1-9 Vehicles	per permit	\$165	\$175	\$10	\$100
Vehicle Display Safety Permit 10+ Vehicles	per permit	\$495	\$525	\$30	\$180



## City Council Report | FY 2019/20 PROPOSED RATES AND FEES

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Fire Service Safety Permits Rush Rate (under 10 days)	per permit	\$330	\$350	\$20	\$80
Fire Review not Associated with Building Permits	per permit	\$105	\$110	\$5	\$200

### RESOURCE IMPACTS

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#### **Water Resources – Water and Sewer**

Estimated additional Water and Sewer Fund revenue from adjusted rates/fees is \$3.9 million for FY 2019/20.

#### **Public Works – Solid Waste**

Estimated additional Solid Waste Fund revenue from adjusted rates/fees is \$1.6 million for FY 2019/20.

#### **Community & Economic Development – Planning and Development Services**

Estimated additional General Fund revenue from the new/adjusted fees is \$2.0 million for FY 2019/20.  
Estimated additional Sewer Fund revenue from the adjusted fee is \$0.1 million.

#### **Community & Economic Development – Tourism and Events**

Estimated additional General Fund revenue from new/adjusted fees is \$23,100 for FY 2019/20.

#### **Community & Economic Development – WestWorld**

Estimated additional General Fund revenue from the adjusted fees is \$0.1 million for FY 2019/20.

#### **Community Services**

Estimated additional General Fund revenue from the new/adjusted fees is \$0.1 million for FY 2019/20.  
Estimated additional Special Programs Fund revenue from the adjusted fees is \$550,800.

#### **Public Safety – Fire**

Estimated additional General Fund revenue from adjusted fees is \$3,400 for FY 2019/20.

### OPTIONS & STAFF RECOMMENDATION

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#### **Water Resources**

##### **Option A (Staff Recommendation):**

Adopt Resolution No. 11436 and Ordinance No. 4391, amending Scottsdale Revised Code, Chapter 49, Water, Sewer and Sewage Disposal sewer/water reclamation rates and miscellaneous charges, effective July 1, 2019 and adjusting water rate (volumetric and base) charges effective November 1, 2019.

##### **Option B:**

Do not approve proposed changes to Water, Sewer and Sewage Disposal sewer/water reclamation rates and miscellaneous charges and water rate (volumetric and base) charges and code amendments.



## **City Council Report | FY 2019/20 PROPOSED RATES AND FEES**

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### **Public Works – Solid Waste**

#### **Option A (Staff Recommendation):**

Adopt Ordinance No. 4392, amending Scottsdale Revised Code, Chapter 24, Solid Waste Management by adjusting solid waste rates and charges, effective July 1, 2019.

#### **Option B:**

Do not approve proposed changes to solid waste rates and charges.

### **Community & Economic Development – Planning and Development Services**

#### **Option A (Staff Recommendation):**

Adopt Resolution No. 11418, authorizing and approving adjustments to the Planning and Development Services Department's rates and fees, effective July 1, 2019.

#### **Option B:**

Do not approve proposed changes to the Planning and Development Services Department's rates and fees.

### **Community & Economic Development – Tourism and Events**

#### **Option A (Staff Recommendation):**

Adopt Resolution No. 11465, authorizing the Tourism and Events Department to establish event directional banner fees; and Resolution No. 11466, authorizing the Tourism and Events Department to adjust their fees for special events and permits, both effective July 1, 2019.

#### **Option B:**

Do not approve proposed changes to the Tourism and Events Department's rates and fees.

### **Community & Economic Development – WestWorld**

#### **Option A (Staff Recommendation):**

Adopt Resolution No. 11429, authorizing and approving WestWorld's fees for FY 2019/20 and authorizing the City Manager to execute WestWorld's agreements that contain negotiated fees, effective July 1, 2019.

#### **Option B:**

Do not approve proposed changes to the WestWorld's fees for FY 2019/20 and do not authorize the City Manager to execute WestWorld's agreements that contain negotiated fees.

### **Community Services**

#### **Option A (Staff Recommendation):**

Adopt Resolution No. 11440, authorizing and approving adjustments to the Community Services Division schedule of program charges, rental fees and fines, effective July 1, 2019.

#### **Option B:**

Do not approve proposed changes to Community Services Division schedule of program charges, rental fees and fines.

### **Public Safety – Fire**

#### **Option A (Staff Recommendation):**

Adopt Resolution No. 11424, authorizing an adjustment of fees and charges by Public Safety – Fire, effective July 1, 2019.



## **City Council Report | FY 2019/20 PROPOSED RATES AND FEES**

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### **Option B:**

Do not approve proposed changes to Public Safety – Fire’s fees and charges.

### **RESPONSIBLE DIVISION(S)**

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Water Resources, Public Works, Community & Economic Development (Planning and Development Services, Tourism and Events and WestWorld), Community Services and Public Safety – Fire

### **STAFF CONTACT(S)**

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Brian Biesemeyer, Water Resources Director, (480) 312-5683, [bbiesemeyer@ScottsdaleAz.gov](mailto:bbiesemeyer@ScottsdaleAz.gov)

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Randy Grant, Planning and Development Director, (480) 312-2664, [rgrant@ScottsdaleAz.gov](mailto:rgrant@ScottsdaleAz.gov)

Karen Churchard, Tourism and Events Director, (480) 312-2890, [kchurchard@ScottsdaleAz.gov](mailto:kchurchard@ScottsdaleAz.gov)

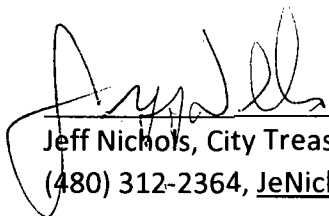
Brian Dygert, WestWorld General Manager, (480) 312-6825, [bdygert@ScottsdaleAz.gov](mailto:bdygert@ScottsdaleAz.gov)

Bill Murphy, Assistant City Manager, (480) 312-7954, [bmurphy@ScottsdaleaAz.gov](mailto:bmurphy@ScottsdaleaAz.gov)

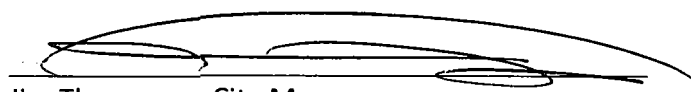
Tom Shannon, Fire Chief, (480) 312-1821, [tshannon@ScottsdaleAz.gov](mailto:tshannon@ScottsdaleAz.gov)

### **APPROVED BY**

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Jeff Nichols, City Treasurer  
(480) 312-2364, [JeNichols@ScottsdaleAz.gov](mailto:JeNichols@ScottsdaleAz.gov)

4/26/19  
Date

  
Jim Thompson, City Manager  
(480) 312-2811, [JThompson@ScottsdaleAz.gov](mailto:JThompson@ScottsdaleAz.gov)

4/26/19  
Date

### **ATTACHMENTS**

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1. Resolution No. 11436
2. Ordinance No. 4391
3. Ordinance No. 4392
4. Resolution No. 11418
5. Resolution No. 11465
6. Resolution No. 11466
7. Resolution No. 11429
8. Resolution No. 11440
9. Resolution No. 11424



RESOLUTION NO. 11436

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THOSE CERTAIN DOCUMENTS FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "AMENDMENTS TO CHAPTER 49, SCOTTSDALE REVISED CODE - WATER, SEWERS AND SEWAGE DISPOSAL."

WHEREAS, the City of Scottsdale desires to continue to accommodate community needs for utility services without decreasing current standards of public health;

WHEREAS, the City desires to adjust the current costs to provide water and sewer service in the City of Scottsdale to meet present and increasing demand and recover costs using a fair and proportionate structure;

WHEREAS, the City further desires to amend the provisions of Chapter 49 to provide clarity of language and improve the operations of the Water Resources Division of the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. Those certain documents entitled "Amendments to Chapter 49, Scottsdale Revised Code - WATER, SEWERS AND SEWAGE DISPOSAL", attached as Exhibit A, a paper and electronic copy of which is on file in the office of the City Clerk are, by this Resolution, declared to be a public record, and these copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

ATTEST:

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

\_\_\_\_\_  
Bruce Washburn, City Attorney

By: Eric C. Anderson, Senior Assistant City Attorney



## Chapter 49 - WATER, SEWERS AND SEWAGE DISPOSAL<sup>(1)</sup>

Footnotes:

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**Cross reference**— Solid waste, Ch. 24; plumbing code, § 31-166 et seq.

### ARTICLE I. - IN GENERAL

#### Sec. 49-1. - Taxes and fees.

Where applicable, privilege tax, other taxes, and fees will be applied on all services provided by the City in Chapter 49, Water, Sewers, and Sewage Disposal unless otherwise exempt.

(Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14)

Secs. 49-2—49-15. - Reserved.

### ARTICLE II. - MUNICIPAL WATER SYSTEM

#### DIVISION 1. - GENERALLY

#### Sec. 49-16. - Definitions.

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

*Account holder* means the person, persons or entity in whose name a City water service account is established in accordance with the procedures set forth in this Chapter.

*Approved* means accepted by the Water Resources Division as either meeting an applicable specification stated or cited in this chapter, or suitable for the proposed use.

*Assembly* means a mechanical device located between two (2) tightly closing resilient-sealed shut-off valves with properly located resilient-sealed test cocks designed to prevent backflow.

*Auxiliary water supply* means any water supply on, or available to, premises other than the potable water supplied by the City. These auxiliary waters may include, but shall not be limited to, water from another purveyor's public potable water supply or any natural sources such as a well, spring, river, stream, harbor, or treated effluent, sewage or industrial fluids or any other water source over which the Water Resources Division does not have sanitary control.

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

*Backpressure* means any elevation of pressure in a user's water supply system, above the pressure of the potable water supply system, which could cause water or other liquids, mixtures or substances to flow from a user's water supply system into the distribution system of the potable water supply system.

*Backsiphonage* means a reversal of the normal flow of water caused by a reduction of pressure in the potable water supply system which causes the flow of water or other liquids, mixtures or substances from a user's water supply system into the distribution system of the public potable water supply system.

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



*Certified tester* means an individual certified and approved by an agency recognized by the Water Resources Division to conduct testing on backflow prevention assemblies.

*City* means the City of Scottsdale, Arizona.

*Code* means the Scottsdale Revised Code.

*Commercial/Industrial and Non-Residential* means all customer classifications serviced by a water meter, except Single-Family Residential and Multi-Family Residential and are connected to a sewer or septic system.

*Construction meter* means a water meter connected directly to the City's water distribution system and used for large scale projects. The meters are temporary and may not be utilized beyond one (1) year unless approved by the division director of Water Resources or designee.

*Contamination* means an impairment in the quality of potable water, by sewage, industrial fluids, waste liquids, compounds or other material or fluids, to a degree which creates an actual hazard to the public health by poisoning or the spread of disease.

*Contractor* (synonymous with "builder") means a person or firm who undertakes to or offers to undertake to, or purports to have capacity to undertake to, or submits a bid to, or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of a scaffolding or other structures or works in connection therewith, and includes subcontractors, specialty contractors, developers and speculative builders.

*Cross-connection* means any unprotected actual or potential connection or other arrangement of piping or fixtures between a piping system containing potable water and a piping system containing nonpotable water, waste fluids, industrial fluids, or any other fluids or substances of questionable safety for human consumption, through which, or because of which, backflow can or may occur into the public potable water system. Cross-connections include any temporary connections such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tubes, hose connections, or any other temporary or permanent devices, through which, or because of which, backflow can or may occur.

*Customer water supply system* means the water distribution facilities within a user's premises commencing at the discharge point of the service connection.

*Department director of business services* means the business services department director of the City revenue collection function or his duly authorized agent including, but not limited to, the revenue collector and utility billing office.

*Developer* shall include within its meaning the owner/builder and shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust or other legal entity which is responsible for constructing water ~~or wastewater~~ facilities or creating a demand on the City water ~~or sewer~~ facilities.

*Distribution system* means the network of conduits used to deliver potable water from the source facilities to the user's water supply system.

*Division* means the City of Scottsdale Water Resources Division.

*Division director* means the division director of Water Resources or designee.

*Domestic water* means water supplied through the pipes of the water system of the City.

*Frontage* means the entire length of that portion of a parcel of property that abuts a public street, public easement, or public right-of-way.

*Hazard, degree of* means the potential risk to the public health and adverse effects of the hazard upon the public potable water distribution system.



*Hydrant meter* means a water meter connected to a designated City fire hydrant and is typically used for temporary projects ~~and/or by water haulers~~. The meters are temporary and may not be utilized beyond one (1) year unless approved by the division director of Water Resources or designee.

*Industrial fluid system* means any system containing a fluid or solution which is chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, nonhealth or plumbing hazard if introduced into the public potable water system. This may include, but shall not be limited to, polluted or contaminated waters; all types of process waters, sewage and used waters originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, drainage ways, irrigation canals or systems; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other processes or for firefighting purposes.

~~Manifold meter means installation of more than one water meter onto a single water service connection line that is connected to the public main:~~

*Mixed use development* means a real estate project with planned integration of some combination of retail, office, residential, hotel, recreation, industrial or other functions. A separate meter is may be required for each of the user codes provided for in section 49-141(g).

*Multi-Family Residential* means more than one (1) dwelling unit is serviced by a single water meter and is connected to a sewer or septic system.

*Multi-Family Residential, Commercial, Industrial and Non-Residential Landscape/Irrigation* means any unoccupied open area which is not connected to a sewer or septic system and excludes Single-Family Residential Landscape/Irrigation.

~~Non-compliant means failing to satisfy the requirements of this article:~~

*Nonpotable water* means water which is not safe for human consumption or which is of questionable quality for human consumption.

*Notice* means a written instrument served by the City, as follows, with time commencing from date of mailing, serving, filing or recording:

- (1) By the use of ordinary mail to the last known address of the person to whom it is required to be given;
- (2) By personal service ~~upon the person or his lawful representative;~~ or
- (3) By filing or recording with a clerk of the superior court or county recorder.

*Owner or builder* means a person who owns or leases real property within the City acting as a contractor in constructing any improvement upon the real property, which real property as improved is held by such person for his use or for rental, lease or sale purposes.

~~Permit means any required written authorization~~

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

*Potable water* means any water which is safe for human consumption pursuant to the standards set by the Arizona Department of Environmental Quality.

*Public potable water supply system* means the source facilities and the distribution system under control of the Water Resources Division to the point where a user's water supply system commences. A user's water supply system commences at the discharge point of the service connection.



*Service connection* means the terminal end of a water service line from the public potable water system at its point of delivery to the user's private water system; ~~where the Water Resources Division loses jurisdiction and sanitary control over the water. If a meter is installed between the user's water supply system and the public potable water system, the~~ The service connection shall be the discharge-end of the meter. Service connections shall also include a water connection supplying from a public fire hydrant and any other temporary or emergency water connections with the public potable water supply system.

Shall is to be construed as mandatory.

*Single-Family Residential* means one (1) dwelling unit is serviced by a single water meter in which only a single family typically resides and is may be connected to a sewer or septic system.

*Single-Family Residential Landscape/Irrigation* means any unoccupied open area which is not connected to a sewer or septic system and provides service to a *Single-Family Residential* landscape area.

*Source facilities* means all components and facilities utilized in the production, treatment, storage and delivery of potable water to the distribution system.

Stand-by meters means water meters that are not used on a regular basis and available for intermittent use or for emergency back-up occasions. Regular and intermittent use is determined by the division director.

*Structure* means includinges, but is not limited to each separate occupancy, residence, house, store, building, or any construction or production or piece of work artificially built up or comprised of parts joined together in some definite manner and served by a separate water meter.

*Unit of service* means each structure, group of structures, portion of a structure or real property which is served by a separate water meter.

*Used water* means any water supplied by the Water Resources Division, from the public potable water system to a user's water system, after it has passed through the service connection and is no longer under the sanitary control of the division.

*User* means any person, corporation, firm, municipality, owner, tenant, trustee, mortgagee, receiver or occupier of property which uses water that is supplied through the public water system.

Water service line means the pipe extending between the main line off the public potable water system and the water meter.

(Code 1972, § 14-101; Ord. No. 1698, ch. 1, § 1, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 2346, § 1, 5-20-91; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 3978, § 1(Res. 8871, § 1, Attach.), 12-6-11; Ord. No. 4010, § 1(Res. No. 9016, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-17. - City division director of Water Resources; rules and regulations; assignment of duties.

- (a) The division director of Water Resources or designee shall have full charge over and direction of the waterworks system of the City and all improvements, extensions and equipment pertaining thereto, and shall have charge and supervision over all employees assigned to the work thereon.
- (b) The City may make rules and regulations not in conflict with the provisions of any ordinance governing the use of the connections to the domestic water distribution system of the City. Such rules and regulations do not become effective until approved by the City Council.

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- (c) The City may assign collection of rates, charges and fees prescribed under the terms of this article to the department director of business services.
- (d) The division director of Water Resources shall have the authority to establish special rates or credits for unusual or unique situations not expressly covered in this code. Such rates or credits shall be based upon the cost of the service provided or incurred.

(Code 1972, § 14-102; Ord. No. 1698, ch. 1, § 2, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 2448, § 1, 6-2-92; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-18. - Interruption of service; street work.

- (a) Domestic water may at any time be shut off from the City mains due to emergencies or for the purpose of making repairs, extensions or any other necessary work. Notice will be given where reasonably possible. The City shall not be liable for any damages that may occur on account of the domestic water being cut off for any purpose or on account of the breaking of any pipe or fixture. Domestic water users who have any machinery, material, process or plant which requires a constant supply of domestic water shall install upon their premises such water storage facilities as will prevent any damage in case the City's domestic water supply may, for any reason, be interrupted or discontinued.
- (b) All persons engaged in street work, including but not limited to grading, regrading, filling and trenching, paving, or repaving shall give the City written notice if it is necessary during the progress of such work to remove, displace or change any domestic water mains, pipes, fittings, meters, gates or other appurtenances to the domestic water system of the City that may interfere with the prosecution of such work. The notice shall be delivered to the offices of the City not less than three (3) days before the services of the City are required and failure to furnish such notice shall make such person liable to the City for all damages resulting to the domestic water system of the City from the prosecution of such work.

~~(c) Unless otherwise indicated on the dedicating document, all easements including public utility, water, and sewer easements shall be maintained by the private property owner in the same manner as rights of way as set forth in Chapter 47, Section 46 of this Code.~~

(Code 1972, § 14-118; Ord. No. 1898, § 1, 6-30-86; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-19. - Conditions of service; appeals.

- (a) The City is authorized to supply domestic water to users as prescribed by this article. The City shall determine whether any structure falls within the intent of this article in such a manner as to require a separate service connection stop. No group of structures may be serviced by one (1) meter unless situated on the same lot, under one (1) ownership, unless the conditions of subparagraph (d) of this section have been met and unless approved by the City.
- (b) The user(s) of the structure may appeal from any decision of the City made under the terms of subsection (a) of this section. The appeal shall be made in writing to the City Council ~~Manager or designee~~ for consideration at its next regular meeting and the decision of the City Council ~~Manager or designee~~ shall be final.
- (c) Whenever a service is installed connecting any property or water using equipment with the water supply system of the City, the water will be supplied to such property or equipment through a meter only, except as provided in section 49-49 and for sprinkler-type fire prevention systems.

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- (d) Two (2) or more buildings located on the same parcel or on contiguous lots under different ownership may be supplied through one (1) or more water meters provided:
  - (1) There is an established, incorporated association or management firm which is responsible for the payment for the water service charge; and
  - (2) Each parcel or lot has a City-owned water line with frontage on at least one (1) side of each parcel or lot; and
  - (3) The association or management firm does not charge a fee to connect individual parcels to a water line.
- (e) Individual parcels of land where water service is desired must have an adequately sized, City-owned water main with frontage on at least along one (1) side of the parcel before it is eligible for service, unless otherwise approved by the City. Extension of the public water line across all frontages of the parcel may be required as a condition of service per section 49-219.
- (f) For mixed use developments a separate water meter ~~is~~ may be required for each of the user codes, 11 through 50, as provided in section 49-141(g). If the mixed use development selects only one (1) meter, then the development will be charged the highest wastewater rate as defined in section 49-141 and the ~~m~~Multi-Family residential/~~e~~Commercial/~~i~~Industrial/~~n~~Non-rResidential water rates described in section 49-48.

(Code 1972, § 14-103; Ord. No. 1698, ch. 1, § 3, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 3092, § 1, 12-16-97; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 3978, § 1(Res. 8871, § 1, Attach.), 12-6-11; Ord. No. 4137, § 1, 2-25-14, eff. 4-1-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-20. - Request for new unit of service.

Prior to the furnishing of domestic water to a new unit of service, the contractor or owner-builder shall make payment in advance of the issuance of the building or encroachment permit for the water meter and/or service line, pursuant to the fees provided in section 49-21. If no permit is to be issued, payment shall be made prior to request for installation of the water meter and/or service line. The contractor or owner-builder shall provide the following information at the time of payment:

- (1) Account holder's name, address, telephone number.
- (2) Name, address, telephone number of person responsible for water billing, if other than user.
- (3) Name, address, telephone number of property owner.
- (4) Description of lot, block, and subdivision to be serviced, including lot size.
- (5) Official street address assigned to the property, including zip code.
- (6) Such other information as the City may deem necessary.

(Code 1972, § 14-104; Ord. No. 1898, § 1, 6-30-86; Ord. No. 2661, § 1, 6-6-94; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-21. - Connection and meter installation fees.

- (a) The City shall tap the water main, install water connections to the property line, water meter boxes, or meter vaults, within the City and charge the contractor or owner at the rates noted below. In the event that a contractor licensed by the state to perform such work taps water lines, installs water connections and water meter boxes or vaults in compliance with the inspection standards of the City,

the City shall provide the water meters in sizes five-eighths-inch, three-quarter-inch, one-inch, one and one-half-inch, and two-inch, and shall furnish the meter with strainer in sizes three-inch, four-inch, six-inch, and eight-inch to the contractor or owner-builder for installation within the City limits and charge the contractor or owner-builder at the following rates:

Meter Size	Meter Only (1)	Service Only	Turbine Meter Only
5/8 "	\$250	<del>\$1,215</del> \$1,277	N/A
¾"	\$300	<del>\$1,215</del> \$1,277	N/A
1"	\$315	<del>\$1,220</del> \$1,281	N/A
1.5"	\$530	<del>\$1,795</del> \$1,885	N/A
2"	\$660	<del>\$2,065</del> \$2,169	N/A
*3"			
*4"			
*6"			
*8"			

\* Cost Recovery Required

Meters 3", 4", 6" and 8" sizes and relocation to be constructed and billed to Developer/contractor at cost. The Developer/contractor must sign cost recovery form. Concrete water vault required for all 3", 4", 6" and 8" meters to be installed by Developer/contractor after Water Services Department coordinates installation of services.

(1) Includes delivery. For Developer/contractor or owners with an existing residential meter, increasing residential meters to a larger size due to fire suppression requirements, may be eligible for a refund of the Meter Only Charge up to a prorated value.

(b) The City shall tap the water lines, install water service connections to the property line, and install the meter boxes for commercial fire sprinkler applications in sizes one and one-half-inch and two-inch only. Contractors licensed by the state and approved by the City shall perform the work for the installation of fire lines in sizes three-inches and larger. The use of manifolds or tees to tie several service lines in sizes two-inches and smaller together shall be prohibited unless specifically approved by the Water Resources Division. The contractor or owner-builder will be charged the following rates:

Fire Sprinkler Service Size	Service
--------------------------------	---------



(inches)	Only
1½	<del>\$1,700</del> \$1,785
2	<del>\$1,813</del> \$1,904

- (c) The charges for installing water connections, water meters, and water meter boxes in areas outside the City limits shall be at a rate equal to one hundred twenty-five (125) percent of the charges specified in the applicable subsection (a) or (b) of this section.

(Code 1972, § 14-105; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 2448, § 2, 6-2-92; Ord. No. 2541, § 1, 6-1-93; Ord. No. 3729, § 2, 5-22-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4251, § 1, 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

**Sec. 49-22. - Application for domestic water service for an existing unit of service.**

- (a) Before turning on domestic water to an existing unit of service, the user thereof shall make application for service to the City. The application shall set forth:
- (1) User's name, address, telephone number and social security number.
  - (2) Name, address, telephone number of person responsible for water billing, if other than user.
  - (3) Name, address, telephone number of property owner.
  - (4) The official street address assigned to the property.
  - (5) Such other information as the department director of business services may deem necessary for the purpose of billing and collection.
- (b) Domestic water service shall not be furnished to any property unless the application is completed and all charges against the property of any nature whatsoever due and payable to the City under any City ordinance have been paid. This includes any deposits that may apply.
- (c) Any delinquent amounts owing on an existing or prior accounts must be paid when a property owner or tenant applies to open another service account. Failure to pay the delinquent amount owing on a prior account or accounts constitutes grounds for the City to refuse new service.
- (d) In the event that service at a new location is initiated prior to the preparation of a current billing statement for another City account held by the same person or persons, or becomes delinquent after the initiation of service at the new location, the amount due or delinquent shall be added to the amount due on the new account. In the event that the account holder or holders fail(s) to pay in full both the transferred amount and the present charges by the delinquent date of the statement on which the transferred amount appears, service on the new account shall be subject to termination in accordance with section 49-54, below.

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- (e) Domestic water account holders shall notify the City of any change in mailing address, occupancy, or ownership within fifteen (15) days after such change occurs. Failure to contact the City may result in penalties or late charges which shall be the responsibility of the account holders.
- (f) Notwithstanding any of the fees specified in this section, nothing shall prohibit the City from charging the property owner, account holder, or potential account holder, the actual cost to perform the account updates. In all such cases the person requesting service shall receive itemized billing for any amounts due above any service charge paid pursuant to this section.
- (f) (g) Under normal conditions, domestic water service shall be provided no earlier than one work day after a properly completed application is submitted and all required fees are paid.
- (g) (h) If domestic water service is requested to be provided on the same day that the application is completed, a thirty-seven dollar (\$37.00) fee will apply. This fee shall be charged on the first statement for service. The fee shall be due and payable in accordance with section 49-52.
- (h) (i) If a customer needs domestic water service turned on and off within 24 hours, a one hundred ~~thirty-five~~ forty-two dollar ~~(\$135.00)~~ (\$142.00) fee shall apply and shall be paid prior to the service being turned on.

(Code 1972, § 14-106; Ord. No. 1898, § 1, 6-30-86; Ord. No. 2661, § 2, 6-6-94; Ord. No. 2814, § 1, 9-18-95; Ord. No. 3671, § 2, 5-15-06; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-22.1. - Administrative account establishment fee.

- (a) Each water account shall be assessed an administrative account establishment fee of thirty dollars (\$30.00) at the time of application for water service or reactivation (49-23). This fee shall be charged on the first statement for service following establishment or reactivation. The fee shall be due and payable in accordance with section 49-52.
- (b) In the event that it is known or reasonable to believe that an account holder other than an owner is no longer receiving service at the property, the City may terminate the existing account and establish an account for the property in the name of the owner(s) or new tenant.

(Ord. No. 2250, § 1, 6-5-89; Ord. No. 2448, § 3, 6-2-92; Ord. No. 3440, § 1, 6-3-02; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4251, § 2, 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-22.2. - Installation of automatic meter reading devices.

In an effort to increase meter reading efficiencies, the City is installing automatic meter reading devices (AMI/AMR) throughout the City. Should a customer, contact the City in writing or through electronic mail to decline the installation of an automatic meter reading device, the City will impose an additional fee of \$2.00 per month on the customer's water bill to help cover the cost of manual meter reading.

- (a) A trip charge of twenty-five dollars (\$25.00) shall be levied against the account holder to turn the automatic meter reading devices off.

(Ord. No. 4251, § 3, 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)



Sec. 49-23. - Requesting temporary service suspension; resuming service.

- (a) Property owners with City water service may request that the City suspend water, sewer and residential refuse service, and related charges, including base fees. This option is only available for service suspension of six (6) consecutive months or more, either for a meter connected to a structure that will be vacant, or for a meter not connected to any structure. This option is not available for hydrant meters.
- (b) Owners electing to take advantage of this option shall submit an acknowledgement form to the City utility billing office and bear responsibility for any and all damages arising directly or indirectly from service suspension. These include bodily harm, damage to adjacent properties, landscaping damage and any other damages caused by the owner's decision to stop the water supply to the fire suppression system.
- (c) As a condition of service suspension, the owner shall pay any outstanding charges before the City will turn the meter off. The City shall have at least one (1) business day following the request to suspend service to complete the read and turn off procedure. The City will then bill the owner for any remaining consumption.
- (d) Property owners may suspend service for periods less than six (6) consecutive months, provided, however, the owner shall be responsible for base fees as if service is not suspended.
- (e) To resume service, the owner shall pay any past-due fees and an administrative account re-establishment fee. The City shall have at least one (1) business day to reestablish service after receiving a written request to resume service and payment of all applicable fees.
- (f) Due to extenuating circumstances such as broken or leaking pipes or other causes that in the opinion of the City pose a threat to the health, safety or welfare of the property or other members of the public or result in unreasonable wasting of water, the City may refuse to resume any unit of service until such time as it is appropriate to do so.
- (g) Notwithstanding the foregoing, account holders remain responsible for payment for any base fees and any water used, even if water service was turned off or locked.

(Code 1972, §§ 14-119, 14-120; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1990, § 1, 2-1-88; Ord. No. 2661, § 3, 6-6-94; Ord. No. 3440, § 1, 6-3-02; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-23.1. - Removal of water meter.

When deemed appropriate by the City, a water meter may be removed and the service locked in the off position, or the meter sealed in the off position. There will be no charge to reinstall a water meter which has been removed by City initiation, when the property owner can furnish evidence satisfactory to the City that the property previously had metered service installed. If satisfactory evidence is not furnished there shall be a minimum charge equal to two (2) hours of labor at the prevailing rate as established by the City. The property owner may be charged such additional amounts as may be necessary and in all such cases the user shall receive an itemized bill.

(Ord. No. 3440, § 1, 6-3-02; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-23.2. - Denial of service to uninhabitable and unsafe properties.

- (a) Upon receipt of written notice from the owner that a structure has been permanently abandoned, or notice from a City or county health officer that a structure has been condemned as uninhabitable or

unsanitary and dangerous to human life, domestic water service shall be immediately discontinued, the water meter removed and the service locked in the off position.

- (b) Due to extenuating circumstances such as broken or leaking pipes or other causes that in the opinion of the City pose a threat to the health, safety or welfare of the property or other members of the public or results in unreasonable wasting of water, the City may refuse to resume any unit of service until such time as it is appropriate to do so.
- (c) A water meter may be reinstalled to the same unit of service and water service may be provided upon the authorization of the City or county health officer that the structure is habitable and upon compliance with the conditions for service initiation. In such event, service will be restored in accordance with the procedures set forth in section 49-22 et seq.

(Code 1972, §§ 14-119, 14-120; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1990, § 1, 2-1-88; Ord. No. 2261, § 3, 6-6-94; Ord. No. 3440, § 1, 6-3-02; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-24. - Maintenance and testing of water meters.

- (a) Except as otherwise provided by ordinance, the domestic water account holder and/or property owner shall maintain all domestic water lines and connections within his property. The water meter shall remain the property of the City. All City meters, except meters which are damaged as a result of actions of the account holder, property owner or someone acting on their behalf, shall be maintained and repaired by the City at its expense.
- (b) A domestic water account holder may request that the meter be removed and subjected to a shop test. If the shop test indicates that the meter is registering correctly, a charge of fifty dollars (\$50.00) shall be levied against the user requesting the test. If the shop test reveals that the meter is not registering correctly the removal and re-installation shall be at City expense.
- (c) Fire line water account holders and/or owners shall be responsible for maintenance and repair of that line up to the main line including the tapping sleeve and valve.
- (d) If a residential account holder is concerned about his water usage, the account holder may request the services of the water resource division's water audit program representative. The representative will assist in the assessment of the user's water use and help user check for leaks on the property. A charge of sixty-five dollars (\$65.00) per meter shall be levied against the account holder or his agent requesting this service.

(Code 1972, § 14-121; Ord. No. 1698, ch. 1, § 9, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 2661, § 4, 6-6-94; Ord. No. 2841, § 1, 10-16-95; Ord. No. 3178, § 2, 10-5-98; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 3729, § 2, 5-22-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-25. - Water main shutdown.

- (a) Approval of the City is required prior to the shutdown of a City water main. Any contractor desiring the shutdown of a City water main shall apply to the City and pay the charge required in this section. The contractor shall notify the public when a shutdown will cause any City water users to be without water in accordance with policies established by the division director of Water Resources. A charge of two hundred sixty dollars (\$260.00) shall be levied against the contractor requesting this service.
- (b) Notwithstanding any of the fees specified in this section, nothing shall prohibit the City from charging the property owner, account holder, or potential account holder, the actual cost to perform

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the services requested. In all such cases the person requesting service shall receive itemized billing for any amounts due above any service charge paid pursuant to this section.

(Code 1972, § 14-123(A), (E); Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 3729, § 2, 5-22-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-26. - Down<sup>F</sup>sizing of meter.

- (a) Approval of the City is required prior to reducing the size of a water meter serving an existing unit of service. The owner of the premises where the reduced water meter is desired shall submit a request in a form acceptable an application on a form provided by to the City.
- (b) After approval of the application request and payment of a fee for the appropriate size meter pursuant to the provisions of subsection (b) of section 49-21, the reduced size meter shall be installed.
- (c) In the event that a property owner subsequently desires to install a meter of the size which served the property prior to down<sup>F</sup>sizing, he shall be required to pay a fee for the appropriate size meter pursuant to the provisions of section 49-21, prior to making application a request to the water operations office for the installation.
- (d) Notwithstanding any of the fees specified in this section, nothing shall prohibit the City from charging the user or potential user, the actual cost to perform the services requested. In all such cases the person requesting service shall receive itemized billing for any amounts due above any service charge paid pursuant to this section.

(Code 1972, § 14-123(B), (E); Ord. No. 1898, § 1, 6-30-86; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-27. - ~~Number and size of water meters per parcel and m~~Manifold meters.

~~A water meter shall be sized so that it does not exceed the anticipated maximum normal daily operating flow as determined by the current version of the City's design standards and policy manual (DS&PM). Single-Family residences shall be limited to one water meter and one Account Holder per parcel to provide the maximum daily demand. Two (2) or more meters in a manifold configuration are prohibited. Separate metering to provide a second/redundant source shall require written approval from the division director of Water Resources or designee for all developments. Two (2) or more meters in a manifold configuration are prohibited (see Sec. 49-16 for definition of Manifold Meter).~~

(Ord. No. 4138, § 1, 2-25-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

**Editor's note**— Prior to the reenactment of § 49-27 by Ord. No. 4138, said section was repealed by Ord. No. 3849, § 2, adopted May 19, 2009. The former § 49-27 pertained to after hours service generally. See also the Code Comparative Table.

Sec. 49-28. - Relocation of service.

- (a) In the event the following services are required, the following minimum fees shall apply:
  - (1) Move service and meter up to fifteen (15) feet, eight hundred dollars (\$800.00).

(2) Raise or lower service and meter to grade, two hundred ~~ten~~ dollars ~~(\$200.00)~~ (\$210.00).

- (b) Notwithstanding any of the fees specified in this section, nothing shall prohibit the City from charging the user or potential user, the actual cost to perform the services requested. In all such cases the person requesting service shall receive itemized billing for any amounts due above any service charge paid pursuant to this section.
- (c) No meter or service shall be relocated without the approval of the City. The owner of the premises where the relocation is desired shall submit ~~a request in a form acceptable an application on a form provided by~~ to the City.

(Code 1972, § 14-123(C), (E); Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 3729, § 2, 5-22-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-29. - Curb cock keys, etc.

It is unlawful for a person to apply any curb cock key, valve key or hydrant wrench to the City domestic water supply system without authorization from the City. It is also unlawful for a person to make, construct, buy, sell or in any way dispose of any curb cock key, valve key or hydrant wrench for use on the City domestic water supply system without authorization from the City.

(Code 1972, § 14-124(A); Ord. No. 1898, § 1, 6-30-86; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-30. - Tampering with meters.

No user or person acting on behalf of a user shall break or remove a lock (seal), or willfully injure damage or destroy a water meter. No user or person acting on behalf of a user, in order to gain water service or whose water service has been discontinued and rendered inoperable by the City, shall bypass, divert, turn on, break or remove a lock, or otherwise tamper with a water meter in an effort to establish or reinstate water service. Any user or person acting on behalf of a user who willfully breaks, injures damages or destroys a water meter or who tampers with a water meter to establish service or reinstate water service after disconnection by the City shall pay up to five hundred dollars (\$500.00) in tampering charges in addition to any other penalties provided by laws. Each violation shall be deemed a separate violation and shall be subject up to five hundred dollars (\$500.00) in tampering charges for each occurrence. All tampering charges shall be billed to the account holder on the next water statement and shall become due and payable on that statement's due date.

(Code 1972, § 14-124(B); Ord. No. 1898, § 1, 6-30-86; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-31. - Obstructing access to system.

- (a) No person shall place upon or about any valve, valve box, curb cock, water meter box or water gate connection with the domestic water system of the City any object, material, debris or structure of any kind that shall prevent free access to the same at all times or in any manner tamper with or injure such appurtenances. Branches of shrubs and trees shall be trimmed by the property owner and/or account holder to allow free access for reading and maintenance of the water meter. No person shall fill up or cover over any valve or meter box.



- (b) If any valve, valve box, curb cock, water meter box or water gate connection has been determined to be inaccessible, the account holder will be notified in writing of the violation. The account holder will be required to correct the violation within thirty (30) days to avoid further penalties.

(Code 1972, § 14-124(C), (D); Ord. No. 1898, § 1, 6-30-86; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-32. - Separate metering.

All water deliveries made for the following purposes shall be separately metered:

- (1) The watering of any landscaped area or areas of a development which, in total, are over five (5) acres in size, and which were not included in construction plans submitted to the City for review prior to February 1, 1991.
- (2) The filling or refilling of any body of water, as defined in section 49-71, which was not filled as of February 1, 1991.
- (3) The supplying of a fountain or other ornamental water feature using more than one thousand (1,000) gallons of water per day which was not included in a set of construction plans submitted to the City for review prior to February 1, 1991.

(Ord. No. 2318, § 1, 12-17-90; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-33. - Classification of penalty.

- (a) Any person, firm, corporation, partnership, or association, whether as principal, owner, agent, tenant, or otherwise, who violates, disobeys, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter is subject to a civil sanction (by issuance of a civil citation or long form complaint) or administrative remedy, including an administrative consent order.
- (b) Notwithstanding subsection A or this section, if a violation is enforced by issuance of a civil citation or long form complaint, a second or subsequent violation of this chapter within two (2) years of the date of the first civil citation or long form complaint shall be deemed a misdemeanor.

(Ord. No. 4190, § 1, 2-3-15)

Sec. 49-34. - Penalties.

- (a) Upon a finding of responsible to a civil violation, the court shall impose a civil sanction not greater than two thousand five-hundred dollars (\$2,500.00).
- (b) Upon a conviction of a misdemeanor, the court may impose a sentence in accordance with section 1-8(a) of the Scottsdale Revised Code and state law for class one misdemeanors. Probation may be imposed in accordance with the provisions of Title 12, Chapter 9, Arizona Revised Statutes.

(Ord. No. 4190, § 1, 2-3-15)

Sec. 49-35. - Commencement of civil action.

- (a) An action for a civil violation may be commenced in Scottsdale City Court by issuance of a citation or by long form complaint.

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- (b) The citation will be substantially in the same form as the Arizona Traffic Ticket and Complaint and shall direct the defendant to appear in Scottsdale City Court at a date specified in the citation.
- (c) Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:
  - (1) By having the defendant sign the citation with a promise to appear in court.
  - (2) If the defendant refused to sign the citation, by hand delivering a copy of the citation to the defendant.
  - (3) By mailing a copy of the citation to the person charged by certified or registered mail, return receipt requested, to the person's last known address.
  - (4) In the event service cannot be accomplished as set forth in subsection (c)(1), (c)(2) or (c)(3), by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court may be used.

(Ord. No. 4190, § 1, 2-3-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-36. - Authority to issue civil complaint.

The Director of Water Resources, Scottsdale Police Officer, City Attorney, or the City Manager or designee, may issue a civil citation pursuant to this chapter.

(Ord. No. 4190, § 1, 2-3-15)

Sec. 49-37. - Default judgment.

- (a) If the defendant fails to appear as directed on the citation, the court shall enter a default judgment and shall impose a civil sanction for the violation.
- (b) If the defendant fails to appear for a pretrial conference or trial, the defendant's failure to appear shall be deemed an admission of the offense and the court shall enter judgment against the defendant and shall impose a civil sanction for the violation.

(Ord. No. 4190, § 1, 2-3-15)

Sec. 49-38. - Rules of procedure.

- (a) The Arizona Rules of Court in Civil Traffic Violation Cases shall be followed for civil violations of this chapter except as modified or where inconsistent with the provisions of this Article.
- (b) The Arizona Rules of Criminal Procedure shall be followed for criminal violations of this chapter except as modified or where inconsistent with the provisions of this Article.

(Ord. No. 4190, § 1, 2-3-15)

Sec. 49-39. - Violations not exclusive.

Violations of this chapter are in addition to any other violations enumerated with the Scottsdale ordinances and Code and in no way limits the penalties, actions, or abatement procedures which may be taken by the City of Scottsdale for any violation of this chapter which is also a violation of any other ordinance or Code provision of the City of Scottsdale, or statutes of the State of Arizona.

(Ord. No. 4190, § 1, 2-3-15)

Sec. 49-40. - Each day a separate violation.

Each day any violation of any provision of this chapter or the failure to perform any act or duty required by this ordinance continues shall constitute a separate violation.

(Ord. No. 4190, § 1, 2-3-15)

Secs. 49-41—49-45. - Reserved.

## DIVISION 2. - USER RATES AND CHARGES

Sec. 49-46. - Adjustments for defective meters, leaks, etc.

- (a) If at any time a water meter is found to be underreporting or over reporting actual usage, the amount of water consumed by the user shall be estimated by the Water Resources Division or designee for all usage periods for which the meter is determined to be defective. The Water Resource Division or designee may make an adjustment to the amount billed and may recover, credit or refund the difference between the original billing and the corrected billing, when an error, omission, usage discrepancy or other extraordinary circumstance has occurred. The Water Resources Division shall use historical records or other reasonable bases to calculate an amount of water usage. Such amounts shall be billed or credited to the account holder. If billed, the account holder shall at least have an equal amount of time to pay for past usage charges as the meter was determined to be defective. If credited, the account holder shall receive a credit or refund within sixty (60) days. In no case will the City seek to credit or bill for water usage prior to thirty-six (36) months from the date the defective meter was discovered. The fact that an account holder may have received and paid a billing for base fees, taxes and/or some usage shall not preclude the application of this section.
- (b) Account holders and/or property owners are responsible for all leaks or damages on account of leaks from the service pipes leading from the user's side of the meter to the unit of service, including all water consumed.
- (c) The City may charge users for water consumed due to leaks or unexplained usage at the lower tier of water usage fee in accordance with section 49-48. A user is eligible to be charged for service at a lower tier if the following criteria is met:
  - (1) Usage must be at least three (3) times the usage of the same period in the previous year.
  - (2) Similar fee has not been charged within thirty-six (36) months of the period currently being considered.

(Code 1972, § 14-122; Ord. No. 1898, § 1, 6-30-86; Ord. No. 2781, § 1, 6-5-95; Ord. No. 3785, § 2, 5-20-08; Ord. No. 4010, § 1(Res. No. 9016, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4380, § 1, 12-11-18)

Sec. 49-47. - Deposits.

- (a) Deposits shall be required of all water account holders, except as otherwise provided in this section. The required deposit shall be billed and paid as a part of the first monthly bill for water service. The deposit shall be in accordance with either subsection (b) or (c) of this section, as applicable. Failure



to pay the required deposit on or before the delinquency date for the first monthly water bill may result in the immediate termination of service as provided in section 49-54.

- (b) If a one-year billing history is available, the deposit shall be equal to a two-month average billing for the prior twelve (12) consecutive months or equal to the annual average two-month charge by meter size based on user classification by the standard industrial codes (SIC) whose users are same or similar.
- (c) If a one-year billing history is unavailable, the deposit will be equal to the annual average two-month charge by meter size based on account classification by the standard industrial codes (SIC) as established by the City for the same or similar property uses.
- (d) Deposits shall not be required of tenant account holders, who have: (1) previously had service accounts with the City of Scottsdale for a period of at least twelve (12) months, within the twenty-four (24) month period immediately preceding the application for new service, and (2) had no more than two (2) payment delinquencies within the most recent twelve-month period of service. "Payment delinquency" means that the City has not received a required payment in a timely manner, resulting in an outstanding balance being shown on the next billing. Prior service under this subsection may be established either by records maintained by the City or provided by the applicant.
- (e) Deposits shall not be required at the time of application for a service account, from ~~single-family~~ residential property owners who provide adequate proof of ownership as determined by the department director of business services. However, upon default of payment by the property owner for any water or other City utility services received, a deposit pursuant to the applicable schedule shall be required for all premises owned by the property owner and served by City utilities where the property owner is being billed for the services.
- (f) Required deposits bearing no interest shall be held by the City. If the account holder's utility bills remain current for twelve (12) consecutive months, the amount of the deposit shall be credited to the first billing following the twelve-month period, or the deposit shall be credited to the account holder's final bill, whichever comes sooner.

(Code 1972, § 14-107; Ord. No. 1698, ch. 1, § 4, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1990, § 2, 2-1-88; Ord. No. 2661, § 5, 6-6-94; Ord. No. 2814, § 2, 9-18-95; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-48. - Metered domestic rates.

- (a) Charges for domestic water supplied are imposed on all domestic water account holders. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each meter connected to the City water line commencing with the first request for service at the following rates, whether or not any domestic water is used:

~~(b) The division director may authorize credits for paperless or other automated billing methods as an incentive to reduce the Division's billing costs.~~

Effective November 1, ~~2019~~ 2018 the rates are:

- (1) *Base fee charge for all customer classes.*

Meter Size in Inches	Fee

5/8	<del>\$12.40</del> \$13.00
¾	<del>\$16.00</del> \$16.80
1	<del>\$22.60</del> \$23.80
1½	<del>\$37.20</del> \$39.00
2	<del>\$49.70</del> \$52.00
3	<del>\$98.80</del> \$104.00
4	<del>\$154.40</del> \$162.50
6	<del>\$308.90</del> \$325.00
8	<del>\$430.00</del> \$455.00
All Sizes	Stand-by Meters: fifty (50) percent of the applicable fee as shown above

Commercial	Fee
Private Fire-line Suppression	\$2.00

(2) Volumetric charges.

Single-Family Residential and Single-Family Residential Landscape/Irrigation

Tier	Gallons of Usage		Rate Per 1,000 Gallons
	From	To	
1	0	5,000	\$1.65
2	5,001	12,000	<del>\$2.95</del> \$3.00
3	12,001	30,000	<del>\$3.75</del> \$3.90

4	30,001	65,000	<del>\$4.85</del> \$5.20
5	Over	65,000	<del>\$5.70</del> \$6.10
<u>Non Compliant: see below</u>			

*Multi-Family Residential and Commercial/Industrial and Non-Residential*

Tier	Gallons of Usage		Rate Per 1,000 Gallons
	From	To	
1	0	5,000	\$1.65
2	5,001	12,000	<del>\$2.95</del> \$3.00
3	12,001	30,000	<del>\$3.75</del> \$3.90
4	Over	30,000	<del>\$ 4.25</del> \$4.60
<u>Non Compliant: See below</u>			

*Multi-Family Residential, Commercial, Industrial and Non-Residential Landscape/Irrigation*

Tier	Gallons of Usage		Rate Per 1,000 Gallons
	From	To	
1	0	5,000	\$1.65
2	5,001	12,000	<del>\$ 2.95</del> \$3.00
3	12,001	30,000	<del>\$ 3.75</del> \$3.90
4	Over	30,000	<del>\$ 4.25</del> \$4.60



Non Compliant: See below

Non-Compliant: Once a customer is designated as non-compliant, the then current water rate per 1,000 gallons will be adjusted by one hundred fifty (150) percent for a minimum of a full billing cycle.

- (b) Reserved.
- (c) In addition to the rates charged in this section a State of Arizona water quality assurance fee of \$0.0065 per one thousand (1,000) gallons will be added to the total of all water charges calculated in accordance with the above rate schedules. Additionally, applicable privilege tax and other taxes will be added.
- (d) In the event of a water main shutdown, the water user is still subject to base fee charges for that period.

(Code 1972, § 14-108; Ord. No. 1898, § 1, 6-30-88; Ord. No. 1942, § 1, 6-1-87; Ord. No. 1990, § 3, 2-1-88; Ord. No. 2027, § 1, 6-20-88; Ord. No. 2245, § 1, 6-5-89; Ord. No. 2294, § 1, 6-4-90; Ord. No. 2309, § 1, 8-20-90; Ord. No. 2357, § 1, 6-3-91; Ord. No. 2448, § 4, 6-2-92; Ord. No. 2541, § 2, 6-1-93; Ord. No. 2661, § 6, 6-6-94; Ord. No. 2781, § 2, 6-5-95; Ord. No. 2906, § 1, 6-4-96; Ord. No. 3013, § 1, 6-2-97; Ord. No. 3149, § 1, 7-6-98; Ord. No. 3227, § 1, 6-1-99; Ord. No. 3370, 6-4-01; Ord. No. 3439, § 1, 5-20-02; Ord. No. 3503, § 1, 5-19-03; Ord. No. 3568, § 1, 5-17-04; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 3671, § 2, 5-15-06; Ord. No. 3729, § 2, 5-22-07; Ord. No. 3785, § 2, 5-20-08; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4010, § 1(Res. No. 9016, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15, eff. 11-1-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-48.1. - Stormwater fee.

In addition to the rates charged pursuant to Section 49-48, a stormwater account charge of ~~three~~ four dollars and ten cents (~~\$3.10~~ \$4.10) per month will be added to the total of all charges calculated in accordance with Section 49-48. Additionally, applicable privilege and other taxes will be added.

(Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4251, § 4, 5-17-16; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-48.2. - Out of City customers.

All account holders located outside the City limits who are provided water service by the City shall pay at a rate determined by the Water Resources Division and approved by the City Council. The out of City surcharge shall be payable monthly and shall be computed as provided below.

- (1) If the outside City account holder's water delivery system is more expensive to maintain than in City customers, due to factors such as longer travel distances or other delivery system characteristics, the extra cost, as determined by the City, shall be recovered by the City adding up to an extra fifteen (15) percent delivery surcharge to the base and commodity rates described above, unless otherwise prohibited by law.

Additionally, applicable privilege and other taxes will be added.

(Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-49. - Unauthorized use.

- (a) Unauthorized use of, or connection to, the City water system is unlawful and is subject to charges for estimated consumption based on similar account use, the applicable consumption rate schedule and the following fines:

*Unauthorized service line connection:* Five hundred dollars (\$500.00).

*Unauthorized fire hydrant connection:* Each violation five hundred dollars (\$500.00).

Unauthorized use of, or connection to, the City water system shall mean the taking of water from any part of the City water system, including any City water main or fire line:

- (1) Without first receiving express City authorization and paying all applicable charges;
- (2) By connecting, directly or indirectly, to the City water system without a meter;
- (3) By willfully modifying the meter or service apparatus so as to cause a loss or reduction in consumption registration; or
- (4) By indirectly connecting to the City water system by connecting to another user's water supply system without City authorization.

During construction of a residential or commercial structure, the permit holder will be responsible for paying the fines and charges when assessed. Each day that the unauthorized connection or use is made will be treated as a separate violation and will be subject to the above fines and charges. Imposition of these fines and charges shall be in addition to any other penalties provided in this Code and any rights or remedies which the City has available to it under this chapter.

- (b) Any charge imposed pursuant to the provisions of this section may be adjusted when in the opinion of the City there are unique circumstances which warrant special consideration.

In addition to the rates charged in this section: 1) a stormwater account charge of ~~three~~ four dollars and ten cents (~~\$3.10~~ \$4.10); and 2) a State of Arizona water quality assurance fee of \$0.0065 per one thousand (1,000) gallons will be added to the total of all water charges calculated in accordance with the above rate schedules. Additionally, applicable privilege taxes and other taxes will be added.

(Code 1972, § 14-109; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 1990, § 4, 2-1-88; Ord. No. 2027, § 1, 6-20-88; Ord. No. 2245, § 1, 6-5-89; Ord. No. 2294, § 2, 6-4-90; Ord. No. 2309, § 1, 8-20-90; Ord. No. 2357, § 2, 6-3-91; Ord. No. 2448, § 5, 6-2-92; Ord. No. 2541, § 3, 6-1-93; Ord. No. 2661, § 7, 6-6-94; Ord. No. 2781, § 3, 6-5-95; Ord. No. 2841, § 2, 10-16-95; Ord. No. 3178, § 3, 10-5-98; Ord. No. 4010, § 1(Res. No. 9016, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4251, § 5, 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-50. - Hydrant and construction meters and water hauling.

- (a) ~~Whenever temporary bulk water is required by the contractor or owner-builder for construction, a potential water user shall apply to Water Resources for a fire hydrant or construction meter or bulk water use. Submittal of an application does not guarantee authorization. Upon approval of the~~

~~temporary use by Water Resources and payment of the following fees, a hydrant or construction meter may be installed. All temporary bulk water required by a contractor or owner-builder for construction serviced by a fire hydrant or construction meter is subject to approval by Water Resources division director or designee. Approval does not guarantee authorization. Upon approval of the temporary use by Water Resources and payment of the following fees, a hydrant or construction meter may be installed:~~

- (1) Meter deposit, ~~five~~<sup>seventy</sup> hundred fifty dollars (~~\$500.00~~<sup>\$750.00</sup>) for a one-inch meter and one thousand five hundred dollars (\$1,500.00) for a three-inch meter.
  - (2) Installation and removal fee, one hundred forty dollars (\$140.00).
  - (3) Account establishment fee of ~~fifteen~~<sup>thirty</sup> dollars (~~\$15.00~~<sup>\$30.00</sup>).
  - (4) At the City's discretion, larger meters may be made available for additional fees on a case by case basis for a reasonable fee as established by the division director of Water Resources.
- (b) Relocation of a hydrant or construction meters require approval of water operations prior to relocation. Any hydrant or construction meter which is relocated will be assessed a relocation fee of one hundred dollars (\$100.00).
- (c) If damaged, the applicant will be charged for cost of repair of a hydrant or construction meter, and in all such cases shall receive itemized billing for any amount due.
- (d) Volumetric and base fees shall be consistent with Section 49-48 for the appropriate meter size for domestic water service by a hydrant or construction meter, whether or not any domestic water is used. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated.

Effective November 1, ~~2018~~<sup>2019</sup>, the fees are:

Hydrant and construction meters are temporary and may not be utilized beyond one (1) year from the date of application approval unless further extended at the discretion of the division director of Water Resources.

- (e) Whenever bulk water (load count) is required by the contractor or owner builder for construction, and it is not feasible to use a meter, the Water Resources Division may authorize service under this section at the rates set forth in subsections (a) through (d). A one hundred dollar (\$100.00) deposit will be required in order to obtain bulk water without a meter. Applicable privilege tax and other taxes will be added.
- (f) Volumetric fees shall be consistent with Section 49-48 for all water hauling users. In addition to Section 49-48, water hauling capital recovery charges shall be ~~fifteen~~<sup>twenty</sup> dollars (~~\$15.00~~<sup>\$20.00</sup>) per month for commercial customers and five dollars (\$5.00) per month for residential customers. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated. Charges shall be paid for each customer hauling water from the City with the first request for service whether or not any domestic water is used.
- (g) Bulk water may be provided by the City through an unpressured system. Effective July 1, 2017, bulk water so delivered shall be charged to the user at a rate of one dollar and seventy-five cents (\$1.75) per one thousand (1,000) gallons delivered.

In addition to the rates charged in this section a State of Arizona water quality assurance fee of \$0.0065 per one thousand (1,000) gallons will be added to the total of all water charges calculated in accordance with the above rate schedules. Additionally, applicable privilege and other taxes will be added.

(Code 1972, §§ 14-110, 14-111; Ord. No. 1698, ch. 1, § 5, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 1990, § 5, 2-1-88; Ord. No. 2027, § 1, 6-20-88; Ord. No.

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2245, § 1, 6-5-89; Ord. No. 2294, § 3, 6-4-90; Ord. No. 2309, § 1, 8-20-90; Ord. No. 2357, § 3, 6-3-91; Ord. No. 2448, § 6, 6-2-92; Ord. No. 2541, § 4, 6-1-93; Ord. No. 2661, § 8, 6-6-94; Ord. No. 2781, § 4, 6-5-95; Ord. No. 2841, § 3, 10-16-95; Ord. No. 2906, § 2, 6-4-96; Ord. No. 3013, § 2, 6-2-97; Ord. No. 3149, § 2, 7-6-98; Ord. No. 3227, § 2, 6-1-99; Ord. No. 3370, 6-4-01; Ord. No. 3439, § 1, 5-20-02; Ord. No. 3503, § 1, 5-19-03; Ord. No. 3568, § 1, 5-17-04; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 3671, § 2, 5-15-06; Ord. No. 3729, § 2, 5-22-07; Ord. No. 3785, § 2, 5-20-08; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4010, § 1(Res. No. 9016, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15, eff. 11-1-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4316, § 1, 6-27-17, eff. 11-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-50.1. - Stormwater fee.

In addition to the rates charged pursuant to Section 49-50, a stormwater account charge of ~~three~~ four dollars and ten cents (~~\$3.10~~\$4.10) per month will be added to the total of all charges calculated in accordance with Section 49-50. Additionally, applicable privilege and other taxes will be added.

(Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4251, § 6, 5-17-16; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-51. - Limitation on adjustments.

Adjustment of amounts owed or credits due under this article shall be limited to the three-year period immediately preceding the date of the most recent billing by the City. However, the division director of Water Resources or designee may extend the period when necessary to ensure that charges for water service are just and reasonable in conformity with state statutes.

(Code 1972, § 14-112(C); Ord. No. 1898, § 1, 6-30-86; Ord. No. 1990, § 6, 2-1-88; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4380, § 1, 12-11-18)

Sec. 49-52. - Due date; person responsible.

- (a) Every charge levied pursuant to the provisions of this article and article IV division 3 shall become due and payable when a utility bill is prepared by the City and shall become a personal debt of the account holder.
- (b) It is the responsibility of the person or persons in whose name or names an account has been established to pay all charges in full and on a timely basis. Failure to receive a utility bill will not excuse the account holder or holders from full and timely payment for the services.
- (c) Except when specific payment arrangements have been made in advance of the delinquent date, all charges levied pursuant to the provisions of this article and article IV division 3 shall become delinquent if unpaid twenty (20) days after the utility bill is prepared.

(Code 1972, § 14-112(A), (B); Ord. No. 1898, § 1, 6-30-86; Ord. No. 1990, § 7, 2-1-88; Ord. No. 2814, § 3, 9-18-95; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-53. - Pay stations.

The department director of business services may designate certain private establishments as authorized City domestic water payment stations, in the capacity of limited agents, for the purpose of collecting any such charges. Payment stations so designated shall be required to perform pay station functions in accordance with rules and regulations issued by the department director of business services and may be paid a collection fee, to be established by mutual agreement, for the faithful performance of these functions.

(Code 1972, § 14-113; Ord. No. 1698, ch. 1, § 6, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-53.1. - Assessment of late charges.

A late charge of the greater of one and one-half (1.5) percent per month or five dollars (\$5.00) per account shall be assessed on any combined unpaid balance greater than five dollars (\$5.00) for charges made pursuant to this article II and/or article IV of chapter 49 and/or article II of chapter 24 that are past due at time of regular billing. Late charges shall not be imposed on the first occurrence of any past due balance. They shall be imposed on all occurrences thereafter; however, a late fee waiver of the greater of one and one-half (1.5) percent per month or five dollars (\$5.00) may be granted once per thirty-six (36) month period when requested.

(Ord. No. 2248, § 1, 6-5-89; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-54. - Termination of service for nonpayment; fee; medical or financial hardships; hearing.

- (a) If the charge levied is not paid by the date of delinquency as stated in subsection (b) of section 49-52, the City shall give written notice to the account holder that the water service may be discontinued from the property serviced and, unless other arrangements are authorized pursuant to subsection (e) of this section, that service shall not be resumed until all charges due, including the fee specified in subsection (b) of this section, have been paid together with any charges against the premises of any nature whatsoever then due and payable to the City under any City ordinance pursuant to the provisions of subsection (b) of section 49-22.
- (b) When an authorized City employee turns off or attempts to turn off water service as provided in this section, the account holder shall be assessed a penalty of fifty-five dollars (\$55.00) whether or not the employee is physically able to turn off the service.
- (c) To resume service, the City will require a minimum of one business day to reestablish service. Requests for resumption of water service will be handled during regular business hours (Monday through Friday excluding observed holidays). Requests made after regular business hours will be handled the next business day after the request for resumption of service.
- (d) Due to extenuating circumstances such as broken or leaking pipes or other causes that in the opinion of the City pose a threat to the health, safety or welfare of the property or other members of the public or result in unreasonable wasting of water, the City may refuse to resume any unit of service until such time as it is appropriate to do so. The City may charge the actual cost of resuming service and bill the account holder for these itemized charges.
- (e) The City Treasurer or designee shall have the authority to establish rules and regulations for handling medical and financial hardship accounts. Such rules and regulations may provide for a waiver of fees pursuant to this section or alternate payment arrangements as determined by the City Treasurer or designee.

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- (f) Any account holder disputing any charges levied pursuant to the provisions of this chapter may request a hearing. The request for a hearing must be made to the department director of business services or designee and must be received no later than forty-five (45) days after the initial delinquent date of the disputed statement. Once the dispute has been acknowledged payment of the disputed charge is not required until a final determination is made.
- (g) Any amount determined to be due and owing following a hearing must be paid in full, unless other payment arrangements are made, within ten (10) days of the determination. In the event that the payment required by this subsection is not timely made, services may be terminated without further notice to the account holder or holders.

(Code 1972, § 14-114; Ord. No. 1698, ch. 1, § 7, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 1942, § 1, 6-1-87; Ord. No. 1990, § 8, 2-1-88; Ord. No. 2541, § 5, 6-1-93; Ord. No. 2814, § 4, 9-18-95; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4010, § 1(Res. No. 9016, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-55. - Lien for unpaid charges.

- (a) When a property owner is established as the account holder pursuant to this article, regardless of whether or not the property is owner occupied, any charges imposed by this article, if not paid by the delinquent date specified in this article, shall constitute a lien on the property, lot or tract of land to which service was rendered.
- (b) Upon delinquency, the utility billing office shall give notice to the owner of record of the property, which shall indicate that the City will file a lien on the subject property unless all past due charges are paid.
- (c) If delinquent charges due are not paid, the utility billing office shall prepare a notice and claim of lien and shall file the lien with the county recorder. The notice and claim of lien shall contain the following:
  - (1) A description of the property sufficient for identification.
  - (2) The name of the owner of record of the property.
  - (3) The amount owed.

At such time as the lien is filed, the cost of preparing, processing and releasing the lien shall be added to the amount due.

- (d) From and after the date of recording in the office of the county recorder, the lien shall attach to the property until paid. A sale of the property to satisfy the lien shall be made upon judgment of foreclosure and order of sale. The City shall have the right to bring an action to enforce the lien in the superior court of the county at any time after its recording, but failure to enforce the lien by such action shall not affect its validity. The recorded notice and claim of lien shall be prima facie evidence of the truth of all matters recited therein and the regularity of all proceedings prior to the recording therein.
- (e) A prior recording for the purposes provided in this section shall not be a bar to the subsequent recording of a lien for such purposes, and any number of such liens on the same property may be enforced in the same action.

(Code 1972, § 14-115; Ord. No. 1898, § 1, 6-30-86; Ord. No. 2448, § 7, 6-2-92; Ord. No. 2814, § 5, 9-18-95; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)



Sec. 49-56. - Collection by civil suit.

- (a) Any charges imposed pursuant to the provisions of this article, if not paid by the due date specified in section 49-52, may also be collected by a civil suit, instituted in the name of the City by the City Attorney at the request of the City at any time after the charges become delinquent notwithstanding any other provisions to the contrary.
- (b) In addition to delinquent charges specified in section 49-53.1, the City may recover all costs of litigation and collection including a reasonable attorney's fee.
- (c) The remedies provided by this section shall be cumulative and supplemental to other remedies provided under this article.

(Code 1972, § 14-116; Ord. No. 1898, § 1, 6-30-86; Ord. No. 3671, § 2, 5-15-06; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-57. - Use of collection agency.

The department director of business services may assign delinquent charges to a bona fide collection agency for collection.

(Code 1972, § 14-117; Ord. No. 1698, ch. 1, § 8, 6-17-85; Ord. No. 1898, § 1, 6-30-86; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14)

DIVISION 3. - BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL

Sec. 49-58. - Purpose.

The purposes of this division are as follows:

- (1) To protect the public potable water supply of the City from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants into the public potable water supply system;
- (2) To promote the elimination or control of existing cross-connections, actual or potential, within a user's internal potable water system, plumbing fixtures and industrial piping systems;
- (3) To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public potable water supply system; and
- (4) To comply with Arizona Department of Environmental Quality Regulations.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-59. - Backflow prevention required.

- (a) Backflow prevention shall be required at every service connection to a user's water system when the Water Resources Division determines that the potable water supplied by the public potable water system may be subject to contamination, pollution or other deterioration of quality by conditions or potential conditions within the user's water system.
- (b) Backflow prevention required by the Water Resources Division shall be sufficient to protect against the potential degree of hazard to the public potable water supply from the user's water system.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-60. - Hazard potential.

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

- (1) *Health*: Any actual or potential condition, device or practice which, in the judgment of the Water Resources Division, may create a threat of contamination to a potable water supply or may create a danger to the health and well-being of the potable water consumers.
- (2) *Plumbing*: An actual or potential plumbing cross-connection in a users water supply system that has not been protected by an approved backflow prevention assembly. A plumbing hazard may be either a pollution or contamination hazard.
- (3) *Nonhealth*: Any actual or potential condition, device or practice which, in the judgment of the Water Resources Division, may create a threat of pollution to a potable water supply system that is either a nuisance or aesthetically objectionable but is not toxic and does not pose a health hazard.
- (4) *System*: Any actual or potential condition, device or practice which, in the judgment of the Water Resources Division may create a threat of severe damage to the physical properties of a potable water supply system or that would have a protracted effect on the quality of the potable water in the system.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-61. - Backflow prevention assemblies; approved list.

- (a) The following are the recognized types of backflow prevention assemblies which the Water Resources Division may require under section 49-59 or section 49-62.

- (1) *Air gap*: The unobstructed vertical distance through free atmosphere between the lowest point of a water supply outlet, 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 twice the diameter of the supply pipe or faucet and in no case less than one (1) inch.
- (2) *Reduced pressure principle assembly (hereinafter "RP")*: A backflow prevention assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly.
- (3) *Double check valve assembly (hereinafter "DC")*: A backflow prevention assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.
- (4) *Pressure vacuum breaker assembly (hereinafter "PVB")*: A backflow prevention assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shut-off valves located at each end of the assembly.

- (b) A user may use a backflow prevention assembly if it has received the approval of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, the

American Society of Sanitary Engineering or other recognized testing agency approved by the Water Resources Division, and its use is approved by the division. Approved assemblies must have a local manufacturer's parts and service center.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 3117, § 1, 2-17-98; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-62. - Backflow prevention assemblies required.

(a) When any of the following items or activities are present or conducted on premises served by the public potable water supply system, a potential hazard to the public potable water supply system shall be presumed and a backflow prevention assembly, of the type specified for that item or activity herein, must be in place at each service connection for that premises.

- (1) Aircraft and missile plants: RP.
- (2) Animal clinics and animal grooming shops: RP.
- (3) Any premises where a cross-connection is maintained: RP.
- (4) Automotive repair with steam cleaner, acid cleaning equipment, or solvent facilities: RP.
- (5) Auxiliary water systems: RP.
- (6) Beauty shops: RP.
- (7) Bottling plants, beverage or chemical: RP.
- (8) Breweries: RP.
- (9) Buildings that have plumbing or fixtures connected to plumbing that are greater than thirty-four (34) feet in height maximum from service connection: RP.
- (10) Buildings with house pumps and/or potable water storage tank: RP.
- (11) Buildings with landscape fountains, ponds, or baptismal tanks: RP.
- (12) Buildings with sewage ejectors: RP.
- (13) Buildings used for commercial mini-warehouses or industrial uses where one (1) service connection supplies more than one (1) tenant or occupant of the building: RP.
- (14) Canneries, packing houses, and reduction plants: RP.
- (15) Car wash facilities: RP.
- (16) Cooling towers, boilers, chillers and other heating and cooling systems utilizing potable water: RP.
- (17) Chemical plants: RP.
- (18) Chemically treated potable or nonpotable water systems: RP.
- (19) Civil works (government-owned or- operated facilities not open for inspection by the Water Resources Division): RP.
- (20) Commercial laundries: RP.
- (21) Dairies and cold storage plants: RP.
- (22) Dye works: RP.
- (23) Film processing laboratories, facilities, or equipment: RP.



- (24) Fire systems, as classified by the American Water Works Association (AWWA) Manual M14, 2nd edition:
  - a. In accordance with section 49-64(a), Class 1, Class 2: DC.
  - b. Class 3, all systems: DC
  - c. Classes 4, 5 and 6, all systems: RP.
- (25) Fire systems. Where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system.
- (26) Food processing plants: RP.
- (27) Educational Institutions, Public and Private: RP.
- (28) Holding tank disposal stations: RP.
- (29) Hospitals and mortuaries: RP.
- (30) Hydrant meters connecting to the public potable water supply system to be used for irrigation or construction water: RP or air gap.
- (31) Irrigation system:
  - a. Premises where nonpotable water is used for irrigation: RP.
  - b. Premises using potable water with nonpotable water piping: RP.
  - c. Premises having a system served by more than one (1) service connection (looped system): RP.
  - d. Landscape irrigation systems: PVB or RP.
- (32) Laboratories using toxic materials: RP.
- (33) Manufacturing, processing, and fabricating plants using toxic or nontoxic materials: RP.
- (34) Master metered apartments, condos and townhouses with more than two units per meter: RP.
- (35) Medical and dental buildings, sanitariums, rest and convalescent homes engaged in the diagnosis, care or treatment of human illness: RP.
- (36) Mobile home parks served by master meter: RP.
- (37) Motion picture studios: RP.
- (38) Multiple services-interconnected: RP.
- (39) Oil and gas production facilities: RP.
- (40) Paper and paper product production facilities: RP.
- (41) Plating plants: RP.
- (42) Portable insecticide and herbicide spray tanks: RP or air gap.
- (43) Post mix drink machines: RP.
- (44) Power plants: RP.
- (45) Public swimming pools with self-levelers or automatic fillers: PVB or RP.
- (46) Radioactive materials processing facilities: RP.
- (47) Restaurants: RP.
- (48) Restricted, classified, or other closed facilities: RP.

- (49) Rubber plants: RP.
  - (50) Sand and gravel plants: RP.
  - (51) Sewage and storm drainage facilities: RP.
  - (52) Shopping centers served by master meters: RP.
  - (53) Waterfront facilities, piers, docks, dockside facilities and boat marinas: RP.
  - (54) Water trucks, water tanks or hydraulic sewer cleaning equipment: RP or air gap.
- (b) When two (2) or more of the items or activities listed above are present or conducted on the same premises and served by the same service connection, the most restrictive backflow preventer required for any of the items or activities present or conducted on the premises shall be required to be utilized or installed at the service connection. The order of most restrictive to least restrictive backflow preventers shall be as follows:
- (1) Air gap (most restrictive);
  - (2) Reduced pressure principle assembly (RP);
  - (3) Double check valve assembly (DC);
  - (4) Pressure vacuum breaker assembly (PVB) (least restrictive).
- (c) If any owner or account holder fails to install a device or perform any action required by this section within ninety (90) days for install of a device or thirty (30) days to perform a necessary action of receiving written notice from the Water Resources Division of the need to do so, the Division may either:
- (1) If feasible, install the required device or perform any necessary action on behalf of the owner or account holder and include the cost of such installation on the next regularly scheduled invoice to the account holder, or
  - (2) Discontinue water service as outlined in Section 49-66 to the property until the required device is installed.
  - (3) Once a customer is designated as non-compliant, the then current water rate per 1,000 gallons will be adjusted by one hundred fifty (150) percent for one full billing cycle or until the customer is deemed compliant, whichever comes later.
- (d) The notice sent to the owner or account holder in accordance with subsection (c) shall include an advisory from the Division that the Division may install an appropriate device at the owner or account holder's expense or that the service may be discontinued if the required device is not installed.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 3117, § 2, 2-17-98; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-63. - Backflow assembly installation—Requirements; location.

- (a) Backflow prevention assemblies shall be installed at the service connection by the user, by obtaining a permit for the appropriate backflow prevention assembly and completing the installation within 45 days. This installation shall be at the user's expense and the standards and specifications adopted by the Division. The assembly shall have a diameter at least equal to the diameter of the service connection.

- (b) The backflow prevention assembly shall be installed in an accessible location as close as possible to the service connection with proper clearances above the ground in accordance with the current set of standard details approved by the Division for backflow prevention assemblies.
- (c) When a user requires a continuous water supply, two (2) or more backflow prevention assemblies shall be installed parallel to one another at the service connection to allow a continuous water supply during testing of the backflow prevention assemblies. When backflow prevention assemblies are installed parallel to one another, the sum of the cross-sectional area of the assemblies shall be at least equal to the cross-sectional area of the service connection.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-64. - Installation for fire sprinkler systems.

- (a) A backflow prevention assembly required for a service connection supplying water only to a fire sprinkler system shall be installed in compliance with the current set of standard details adopted by the Division. A double check valve backflow prevention assembly must be installed on a fire sprinkler system when any of the following conditions occur:
  - (1) During the course of new construction on commercial buildings;
  - (2) The existing class 1 or 2 fire sprinkler system is modified from its present condition requiring new hydraulic calculations;
  - (3) The existing single check valve shows signs of deterioration/defects and/or lacks inspection records required by 49-64(C);
  - (4) The existing system or condition of the system constitutes a hazard to the health, safety or welfare of the public.
- (b) If the chief of the fire department, or his designee, determines that a fire sprinkler system shall have a continuous water supply which may not be interrupted during testing of the backflow prevention assembly, the user shall install, at his expense, two (2) backflow prevention assemblies parallel to one another at the service connection. The diameter of each assembly shall be at least equal to the diameter of the service connection.
- (c) Owners of existing Class 1 and 2 fire sprinkler prevention systems that do not have a double check backflow prevention assembly shall annually have the internal components of the required single check valve assembly inspected and maintained according to procedures identified in the National Fire Protection Association Publication 25 or Division guidelines. If the single check is defective, it shall be reported within twenty-four (24) hours to the fire department and Water Resources Division and the Owner must obtain a permit and complete installation to replace the defective single check valve with a double check backflow prevention assembly within 45 days.
- (d) Prior to installing or replacing a backflow prevention assembly on an existing sprinkler system, the sprinkler system must be tested and determined able to meet National Fire Protection Association Standard 13 minimum flow calculations with the addition of a backflow prevention assembly on the existing system. The fire department must approve the plans and hydraulic calculations prior to the installation of a backflow prevention assembly. The approved plans and calculations shall be available on-site at the time of the fire department underground inspection and flow test. Immediate retrofit of the appropriate backflow prevention assembly shall be required if the existing system or condition of the system constitutes a hazard to the health, safety or welfare of the public.
- (e) Any person, firm, corporation, partnership, enterprise or association, whether as principal, owner, agent, tenant, or otherwise who violates, disobeys, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this section is subject to a civil penalty. Upon a finding of

a civil violation, the court shall impose a fine not to exceed two hundred fifty dollars (\$250.00). Each day a violation of any provision of this section continues to exist shall constitute a separate offense.

- (f) Notwithstanding subparagraph (e) of this section, a second or subsequent violation of any of the provisions of this section within a two-year period shall be deemed a misdemeanor. Upon conviction of a misdemeanor, the defendant shall be sentenced pursuant to the provisions of section 1-8 of this Code.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 3117, § 3, 2-17-98; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-65. - Inspections; maintenance; records.

- (a) An inspection shall be conducted to determine whether any cross-connections or other hazard potentials exist and to determine compliance with this article. The user's water system shall be available at all times during normal business hours for inspection by authorized personnel of the Water Resources Division.
- (b) Backflow prevention assemblies shall be tested at least once a year. A notice shall be issued by the Division to the user when a backflow prevention assembly is due for testing. If the testing reveals the assembly to be defective or in unsatisfactory operating condition, repairs shall be performed, including replacement of the assembly if necessary, which will return the assembly to satisfactory operating condition within forty-five (45) days after the date of the notice issued by the Division. The testing and maintenance of each assembly shall be performed at the expense of the user.
- (c) If the Division or user learns or discovers, during the period between tests, that an assembly is defective or is in unsatisfactory operating condition, the user shall perform any necessary repairs, including replacement of the assembly, if necessary, which will return the assembly to satisfactory operating condition.
- (d) The installation, testing, maintenance, repair, and replacement of backflow prevention assemblies shall only be performed by an individual certified and approved by an agency recognized by the Division. A tester may be suspended from testing in Scottsdale for improper testing, maintenance, reporting or other improper practices as determined by the Division.
- (e) The user shall maintain records, of the results of all installation, testing, maintenance, repairs, and replacements of the backflow prevention assemblies on forms approved by the Division. The user shall submit to the Division a copy of the records within seven (7) days after completion of the activity for which the records are made.
- (f) Existing Class 1 and 2 fire systems that are not equipped with a double check backflow prevention assembly shall have the internal components of the required single check valve assembly inspected and maintained according to procedures identified in the National Fire Protection Association Publication 25, as contained in the Water Based Fire Protection Systems, 1992 edition. Inspections of fire protection systems shall be performed on an annual basis with records of the inspections provided to the fire department and the Division. Any malfunction or abnormality with the check valve shall be reported within twenty-four (24) hours to the local fire department and Water Resources Division and replaced immediately with a double check backflow prevention assembly.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 3117, § 4, 2-17-98; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-66. - Discontinuance of water service; notice.

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- (a) The Division may disconnect water service to any user who refuses entry or access to Division inspectors for inspection pursuant to Section 49-65.
- (b) If the Division discovers that a user has not installed a required backflow prevention assembly or that a backflow prevention assembly has been improperly tested or maintained, bypassed or removed, or that an unprotected cross-connection exists in the user's water system, the service connection shall be disconnected if the situation is not remedied within the time specified in the notice sent to the user as described in subsection (d) below. The service connection shall not be restored until the condition is remedied.
- (c) A service connection to a fire sprinkler system shall not be subject to disconnection under this section, but may be subject to penalties pursuant to Section 49-64 of this Code.
- (d) Prior to disconnecting any service connection because a condition set forth in subsection (a) or (b) above exists, the Division shall send a notice, to the customer describing the condition and notifying the user that the condition must be remedied within thirty (30) days after mailing of the notice by the division. If such condition is not remedied within the thirty-day period, the division shall send a second notice, by certified mail, to the user notifying the customer that water service will be disconnected in ten (10) days if the condition is not remedied within such time period.
- (e) The Division may disconnect, without notice, water service to any user when the division discovers that the user's water system is contaminating the public potable water supply.
- (f) If water service is terminated for non-compliance with the provisions in this section, a fee to reimburse the city will be added to the user's monthly water billing statement upon compliance with the required backflow testing as outlined in 49-65. The fee shall be a minimum charge equal to two (2) hours of labor at the prevailing rate as established by the City. The property owner may be charged such additional amounts as may be necessary and in all such cases, the user shall receive an itemized bill. The fee shall be assessed for each additional water turn-on trip required after each non-compliance with this section resulting in termination of water service.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-67. - Reserved.

**Editor's note**— Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), adopted May 22, 2018, eff. July 1, 2018, repealed § 49-67, which pertained to retroactive application and derived from Ord. No. 2346, § 1, adopted May 20, 1991; Ord. No. 2864, adopted Feb. 20, 1996; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), adopted May 14, 2013; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), adopted May 23, 2017, eff. July 1, 2017.

Sec. 49-68. - Plan review.

- (a) All backflow prevention assemblies which will be installed shall be shown and specified on all required building and engineering plans. City approval of the intended installation is required prior to issuance of any building or encroachment permit.
- (b) Installation permits for the installation of all backflow prevention assemblies required by the City shall be obtained from the City prior to installation. A separate permit shall be obtained for each required backflow prevention assembly to be installed, including replacement.

- (c) Backflow prevention assemblies must be installed as to meet the current set of standard details and specifications of the Water Resources Division and be tested by a certified tester and shown to be operating correctly before a temporary certificate of occupancy is issued by the City.
- (d) The Water Resources Division may, in writing, suspend or revoke a permit issued under the provisions of this article, whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provision of the Uniform Plumbing Code or this article.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 3117, § 5, 2-17-98; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-69. - Fees.

A fee may be established by City Council resolution to recover the cost of the cross-connection control program.

(Ord. No. 2346, § 1, 5-20-91; Ord. No. 2864, 2-20-96; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-70. - Reserved.

#### ARTICLE III. - WATER AND WASTEWATER DEVELOPMENT FEES<sup>[2]</sup>

#### Footnotes:

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**Editor's note**— Ord. No. 4130, §§ 1 and 3(Res. No. 9620, § 1), adopted Feb. 25, 2014 and effective July 1, 2014, repealed Art. III and enacted a new article as set out herein. The former Art. III, §§ 49-71—49-76, pertained to water supply and conservation in developments and derived. See also the Code Comparative Table.

Sec. 49-71. - Title.

This Article shall be known as the "Water and Wastewater Development Fees Ordinance of the City of Scottsdale," and may be cited as such.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

Sec. 49-72. - Legislative intent and purpose.

This Article is adopted for the purpose of promoting the health, safety and general welfare of the residents of the City by:

- (a) Requiring new development to pay its proportionate share of the costs incurred by the City that are associated with providing Necessary Public Services to new development.

- (b) Setting forth standards and procedures for creating and assessing Development Fees consistent with the requirements of Arizona Revised Statutes ("A.R.S.") § 9-463.05, including requirements pursuant to A.R.S. § 9-463.05(K) that, on or before August 1, 2014, the City must replace its Development Fees that were adopted prior to January 1, 2012 with Development Fees adopted pursuant to the requirements of A.R.S. § 9-463.05 as amended by the state legislature in SB 1525, Fiftieth Legislature, First Regular Session.
- (c) Providing for the temporary continuation of certain Development Fees adopted prior to January 1, 2012 until otherwise replaced pursuant to this Article, or longer where such Development Fees were pledged to support Financing or Debt for a Grandfathered Facility as permitted by A.R.S. § 9-463.05(K), (R), and (S).
- (d) Setting forth procedures for administering the Development Fee program, including mandatory ~~offsets-Offsets~~, Credits, and refunds of Development Fees. All Development Fee assessments, ~~offsets-Offsets~~, Credits, or refunds must be administered in accordance with the provisions of this Article.

This Article shall not affect the City's zoning authority or its authority to adopt or amend its General Plan, provided that planning and zoning activities by the City may require amendments to Development Fees as provided in Section 49-77 of this Article.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

#### Sec. 49-73. - Definitions.

When used in this Article, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

*Acre-foot of water:* That quantity of water required to cover one (1) acre of land one (1) foot deep, three hundred twenty-five thousand eight hundred fifty-one (325,851) gallons.

*Applicant:* A person who applies to the City for a Building Permit or submits a site plan or subdivision plat.

*Appurtenance:* Any fixed machinery or equipment, structure or other fixture, including integrated hardware, software or other components, associated with a Capital Facility that are necessary or convenient to the operation, use, or maintenance of a Capital Facility, excluding replacement of the same after initial development of the Capital Facility, but only as to those appurtenances, or portions of those appurtenances, which provide service to existing EDUs.

*Building Permit:* Any permit issued by the City that authorizes vertical construction, increases square footage, authorizes changes to land use, or provides for the addition of a residential or non-residential point of demand to the water, water supply, or wastewater system.

*Capital Facility:* An asset having a Useful Life of three (3) or more years that is a component of Water or Wastewater Service provided by the City. A Capital Facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities, and associated financing and professional services. Wherever used herein, "infrastructure" shall have the same meaning as "Capital Facilities."

*Category of Development:* A specific category of development within a Residential, Commercial, Industrial, Mixed-Use, or Supplemental land use district against which a Development Fee is calculated and assessed based on a recommended water meter type where a Detached Single-Family Dwelling Unit is one (1) EDU, while the EDU factor for a unit of development within another Category of Development is represented by the ratio of the demand for Water and Wastewater Services typically generated by that unit as compared to the demand for such services typically generated by a Detached Single-Family Dwelling Unit. The City assesses Development Fees against the various recommended types of water

meters for various Categories of Development within the Residential, Commercial, Industrial, Mixed-Use, or Supplemental land use districts as defined in this Section.

*City:* The City of Scottsdale, Arizona.

*Commercial Land Use:* Those commercial land uses identified in the Zoning Ordinance for the City of Scottsdale as S-R, Service-Residential; C-S, Regional Shopping Center; C-1, Neighborhood Commercial; C-2, Central Business; C-3, Highway Commercial; C-4, General Commercial; SS, Support Services; C-O, Commercial Office; PCoC, Planned Convenience Center; PNC, Planned Neighborhood Center; PCC, Planned Community Center; PRC, Planned Regional Center.

*Commercial/Industrial and Non-Residential* means all customer classifications serviced by a water meter, except Single-Family Residential and Multi-Family Residential, and are connected to a sewer or septic system.

*Credit:* A reduction in an assessed Development Fee resulting from developer contributions to, payments for, construction of, or dedications for capital facilities included in an Infrastructure Improvements Plan pursuant to Section 49-83 of this Article (or as otherwise permitted by this Article).

*Credit Agreement:* A written agreement between the City and the developer(s) of a Subject Development that allocates Credits to the Subject Development pursuant to Section 49-83 of this Article. A Credit Agreement may be included as part of a Development Agreement pursuant to Section 49-84 of this Article.

*Credit Allocation:* A term used to describe when Credits are distributed to a particular development or parcel of land after execution of a Credit Agreement, but are not yet issued.

*Credit Issuance:* A term used to describe when the amount of an assessed Development Fee attributable to a particular development or parcel of land is reduced by applying a Credit allocation.

*Development:* Any property which is proposed to be improved in a manner that creates a demand for City water or wastewater service.

*Developer:* An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity, and their respective successors and assigns.

*Development Agreement:* An agreement prepared in accordance with the requirements of A.R.S. § 9-500.05, and any applicable requirements of the City Code.

*Direct Benefit:* A benefit to an EDU resulting from a Capital Facility that: (a) addresses the need for water and/or wastewater services created in whole or in part by the EDU; and that (b) meets either of the following criteria: (i) the Capital Facility is located in the service area of the EDU and is needed in the service area of the EDU to maintain the Level of Service; or (ii) the Capital Facility substitutes for, or eliminates the need for a Capital Facility that otherwise would have been needed in the service area of the EDU to maintain the City's Level of Service.

*Division:* The City of Scottsdale Water Resources Division.

*Division Director:* The division director of Water Resources or designee.

*Dwelling Unit:* A house, apartment, mobile home, or trailer, group of rooms, or single room occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

*DS+PM:* The Design Standards and Policies Manual for the City of Scottsdale.

*Equipment:* Machinery, tools, materials, and other supplies, not including vehicles, that are needed by a Capital Facility to provide the Level of Service specified by the Infrastructure Improvements Plan, excluding replacement of the same after initial development of the Capital Facility, but only as to that equipment, or portion of that equipment, which provides service to existing EDUs.

*Equivalent Demand Unit (EDU):* A unit of development within a particular Category of Development, defined in terms of a standardized measure of the demand that a unit of development in that Category of



Development generates for Water and Wastewater Services. The EDU, or number of EDUs, in the City for Water and Wastewater Services is based on the type of applicable water meter required for a particular category of development in relation to the demand generated by a Detached Single-Family Dwelling Unit. For all Water and Wastewater Services, the EDU factor for a Detached Single-Family Dwelling Unit is one (1), while the EDU factor for a unit of development within another Category of Development is represented as a ratio of the demand for Water and Wastewater Services typically generated by that unit as compared to the demand for such services typically generated by a Detached Single-Family Dwelling Unit. An EDU shall be a "service unit" for purposes of A.R.S. § 9-463.05(T)(10). The 1" inch meter is the minimum type of meter for a Single-Family Dwelling Unit with a base flow of ten (10) gpm.

*Existing Capacity:* Recognizing that portions of the existing capacity of the water or wastewater systems have capacity available to provide service to new development, the Development Fees shall recover the cost per EDU for that existing capacity. Service provided to new development shall be at the same level of service provided to existing development. The cost of existing capacity providing service to new development may include any of the costs defined herein for a Capital Facility or for Facility Expansion, as the circumstances may dictate. The City may include as a component of the water and wastewater Development Fees, a cost measured by the current replacement cost new less depreciation of existing water and wastewater system Capital Facilities that have capacity available for new development.

*Facility Expansion:* The expansion of the capacity of an existing facility that serves the same function as an otherwise new water or wastewater service facility in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

*Fee Report:* A written report developed pursuant to Section 49-75 of this Article that identifies the methodology for calculating the amount of each Development Fee, explains the relationship between the Development Fee to be assessed and the System Average Cost per EDU calculated in the Infrastructure Improvements Plan, and which meets other requirements set forth in A.R.S. § 9-463.05.

*Financing or Debt:* Any debt, bond, note, loan, interfund loan, fund transfer or other debt service obligation used to finance the development or expansion of a Capital Facility.

*Final Approval:* Means (a) for ~~e~~Commercial, ~~i~~Industrial, or ~~M~~Multi-Family development, the date of approval of a site plan, or, if no site plan is submitted for the development, the date of approval of a final subdivision plat, or the date of approval of final plans wherein a building permit is issued or a water meter is purchased, and development fees are paid; or (b) for a ~~s~~Single-Family residential development, the approval of a final subdivision plat.

*Grandfathered Facilities:* Capital Facilities provided through Financing or Debt incurred before June 1, 2011 for which a Development Fee has been Pledged towards repayment as described in Section 49-75 of this Article.

*Grandfathered Credit Agreement:* A Credit Agreement entered into by the City and a Developer for Capital Facilities provided by the Developer and accepted by the City before June 1, 2011.

*General Plan:* Refers to the comprehensive plan, or part thereof, and all amendments, providing for the future growth and development of the City, the overall land-use plan for the City establishing areas of the City for different purposes, zones and activities adopted by the City Council and any subsequent amendments to the General Plan, including but not limited to the updated Land Use Map.

*Gpm:* Means gallons per minute.

*Gross Development Fee:* The total Development Fee to be assessed against a Subject Development on a per EDU basis, before subtraction of any Credits.

*Industrial Land Use:* Those industrial land uses identified in the Zoning Ordinance for the City of Scottsdale as Light Employment, I-G, and Industrial Park, I-1.

*Infrastructure Improvements Plan:* A written plan that identifies each water or wastewater service or facility expansion that is proposed to be the subject of a Development Fee and otherwise complies with the requirements of Section 49-79, and may be the City's capital improvement plan.

*Interim Fee Schedule:* Any Development Fee schedule established before January 1, 2012 in accordance with then-applicable law, and which expired not later than August 1, 2014 pursuant to Section 49-82 of this Article.

*Land Use Assumptions:* Projections of changes in land uses, densities, intensities and population for a Service Area over a period of at least ten (10) years and pursuant to the City's general plan as specified in Section 49-78 of this Article.

*Level of Service:* A quantitative and/or qualitative measure of Water and Wastewater Services that is to be provided by the City to development in the Service Area, defined in terms of the relationship between service capacity and service demand and accessibility, comfort and convenience, or other similar measures or combinations of measures. Level of Service may be measured differently for different Categories of Water and Wastewater Services, as identified in the Infrastructure Improvements Plan.

*Local Collection System:* Water and/or Wastewater collection facilities which are not included in the Water and Wastewater Infrastructure Improvement Plan as may be amended from time to time and are strictly internal to the development itself.

*Local Distribution System:* Water and/or wastewater distribution facilities which are not included in the Water and Wastewater Infrastructure Improvement Plan as may be amended from time to time and are strictly internal to the development itself.

*Mixed-Use Districts:* D, Downtown; P-C, Planned Community; PCP, Planned Commercial Park; PUD, Planned Unit Development.

*Multi-Family Residential* means more than one (1) dwelling unit is serviced by a single water meter and may be connected to a sewer or septic system.

*Multi-Family Residential, Commercial/Industrial and Non-Residential Landscape/Irrigation* means any unoccupied open area which is not connected to a sewer or septic system and excludes Single-Family Residential Landscape/Irrigation.

*Necessary Public Services:* "Necessary Public Services" shall have the meaning prescribed in A.R.S. § 9-463.05(T)(5), but includes within the City of Scottsdale only Water and Wastewater Service. Water and Wastewater Services are authorized to assess Development Fees, as further defined in Section 49-79(a)(1) of this Article.

*Offset:* An amount which is subtracted from the overall capital costs of providing Water and Wastewater Services to account for those capital components of infrastructure or associated debt that have been or will be paid for by a development through taxes, fees (except for Development Fees), and other revenue sources, as determined by the City pursuant to Section 49-79(a)(13) of this Article.

*Pledged:* Where used with reference to a Development Fee, a Development Fee shall be considered "pledged" where it was identified by the City as a source of payment or repayment for Financing or Debt that was identified as the source of financing for Water and Wastewater Services for which a Development Fee was assessed pursuant to the then-applicable provisions of A.R.S. § 9-463.05.

*Qualified Professional:* Any one (1) of the following: (a) a professional engineer, surveyor, financial analyst or planner, or other licensed professional providing services within the scope of that person's education or experience related to City planning, zoning, or Development Fees and holding a license issued by an agency or political subdivision of the State of Arizona; (b) a financial analyst, planner, or other non-licensed professional that is providing services within the scope of the person's education or experience related to City planning, zoning, or Development Fees; or (c) any other person operating under the supervision of one (1) or more of the above.

*Residential Land Use:* Those land uses identified in the Zoning Code of the City of Scottsdale as Single-Family residential and classified as R1-190, R1-130, R1-70, R1-43, R1-35, R1-18, R1-10, R1-7,

R1-5; R-2, Two-Family Residential; R-3, Medium Density Residential; R-4, Townhouse Residential; R-4R, Resort/Townhouse Residential; R-5, Multiple-family Residential; and M-H, Manufactured Home.

*Right-of-Way:* Land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.

*Service Area:* The area within the boundaries of the City within which the City provides a Category of Water or Wastewater Services to development at a planned Level of Service; and within which a Substantial Nexus exists between the Capital Facilities to be provided and the development to be served. Some or all of the Capital Facilities providing service to a Service Area may be physically located outside of the Service Area provided that the required Substantial Nexus or Direct Benefit is demonstrated to exist.

*Service Unit:* A standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated pursuant to generally accepted engineering or planning standards for Water or Wastewater Services or facility expansion. As used herein, a service unit is the same as an Equivalent Demand Unit (EDU).

*Single-Family Residential* means one (1) dwelling unit is serviced by a single water meter in which only a single family typically resides and is connected to a sewer or septic system.

*Single-Family Residential Landscape/Irrigation* means any unoccupied open area which is not connected to a sewer or septic system and provides service to a Single-Family Residential landscape area.

*Subject Development:* A land area linked by a unified plan of development, which must be contiguous unless the land area is part of a development agreement executed in accordance with A.R.S. § 9-500.05.

*Substantial Nexus:* A substantial nexus exists where the demand for Water or Wastewater Services that will be generated by an EDU can be reasonably quantified in terms of the burden it will impose on the available capacity of existing Capital Facilities, the need it will create for new or expanded Capital Facilities, and/or the benefit to the development from those Capital Facilities.

*Supplemental Districts:* P-1, Parking P-1; P-2, Parking P-2; P-3, Parking P-3; P-4, Parking P-4; W-P, Western Theme Park; SC, Special Campus; H-P, Historic Property; OS-Open Space; COS, Conservation Open Space; ESL, Environmentally Sensitive Lands; F-O, Foothills Overlay; DO, Downtown Overlay; PBD, Planned Block Development; PRD, Planned Residential Development.

*System Average Cost Per EDU:* The total current value of existing facilities plus the future capital costs listed in the Infrastructure Improvements Plan for Water or Wastewater Services divided by the total service capacity projected in the Service Area for Water or Wastewater Services over the same time period.

*Useful Life:* The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the City over the entirety of such period.

*Wastewater Service:* Includes, but is not limited to sewers, lift stations, reclamation plants, wastewater treatment plants, and all other facilities for the collection, interception, transportation, treatment and disposal of wastewater, and any appurtenances for those facilities.

*Water Service:* Includes, but is not limited to those facilities necessary to provide for water services to development, including the acquisition, supply, transportation, treatment, purification, and distribution of water, and any appurtenances for those facilities.

*Water Supply:* Is an essential part of Water Service, and funds from the Water Supply fund account may only be used for acquiring, transporting, treating, and managing through recharge to and recovery from underground aquifers, new and renewable supplies of water.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14; Ord. No. 4194, § 1(Res. No. 11054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-74. - Applicability; repeal of previous ordinances.

- (a) Except as otherwise provided herein, from and after 12:00 a.m. on July 1, 2014, this Article shall apply to all new development within the City's Water and Wastewater Service Areas.
- (b) The provisions of this Article shall apply to all of the territory within the corporate limits of the City which define the City's water and wastewater service areas. Section 49-84.1 shall apply only to Water and Wastewater Services provided outside the boundaries of the City.
- (c) The division director of Water Resources or authorized designee is authorized to make determinations regarding the application, administration and enforcement of the provisions of this Article.
- (d) The existing Article III of Chapter 49 of the Scottsdale Revised Code is hereby repealed in its entirety, effective at 11:59 p.m. on June 30, 2014, and is replaced by the provisions of this new Article III, Chapter 49.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14)

Sec. 49-75. - Authority for development fees.

- (a) *Fee Report and Implementation* . The City may assess and collect a Development Fee for costs of Water and Wastewater Services, including all professional services required for the preparation or revision of an Infrastructure Improvements Plan, Fee Report, Development Fee, and required reports or audits conducted pursuant to this Article. As a part of Water Services, there is hereby established a Water Supply fund account to be used as defined above. The Water Development Fee will be charged as one (1) fee, but will be accounted for as two (2) separate fund accounts, one (1) to be used for Water Service and one (1) to be used for Water Supply, both as defined above. Water Service will receive ~~seventy-six and seven-tenths~~ eighty-two and two-tenths percent (76.7%82.2%) of the Water Development Fee and Water Supply will receive ~~twenty-three and three-tenths~~ seventeen and eight-tenths percent (23.3%17.8%) of the Fee. For new golf course development and where considered appropriate, the division director of Water Resources or authorized designee may enter into an Agreement with the golf course Developer, as provided in Section 49-90, and agree to charge the Developer only that portion of the Water Development Fee attributable to the Water Supply Fee. Development Fees shall be subject to the following requirements:
  - (1) The City shall develop and adopt a Fee Report that analyzes and defines the Development Fees to be charged in the Service Area for each Water and Wastewater Capital Facility, based on the Infrastructure Improvements Plan and the System Average Cost per EDU calculated pursuant to Section 49-79 of this Article.
  - (2) Development Fees shall be assessed against the recommended types of water meters for all new Commercial, Mixed-Use, Residential, Industrial, and Supplemental land use developments, provided that the City may assess different amounts of Development Fees against the recommended types of water meters for specific Categories of Development within each Land Use based on the number of EDUs that are associated with providing Water and Wastewater Services for the recommended water meter types within that Category of Development. No Development Fee shall exceed the System Average Cost per EDU for any water meter type. Water meters shall be typed to the ~~recommended maximum capacity flow corresponding to those shown in the DS+PM, Figure 6-1-4~~ 6-1-4 which are based on the flow determination



method provided therein and a targeted acceptable range of the cited AWWA M22 high normal flow rate. In the event of a disagreement between the Developer and the City as to the appropriate type of meter, the City's decision shall be final. The Development Fees will provide funds for costs of new or expanded facilities for Water and Wastewater services as required by new development within the City's Service Area.

- (3) No Development Fees shall be charged or Credits issued, for any Capital Facility that is not a Water or Wastewater Service.
- (4) Costs for Water and Wastewater Services made necessary by new development shall be based on the same Level of Service provided to existing development in the Service Area. Development Fees may not be used to provide a higher Level of Service to existing development to update, improve, expand, connect, or replace existing water and wastewater services to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing Water and Wastewater Capital Facilities that are serving existing development.
- (5) Development Fees may not be used to pay the City's administrative, maintenance, or other operating costs.
- (6) Projected interest charges and financing costs can only be included in Development Fees to the extent they represent principal and/or interest on the portion of any Financing or Debt used to finance the construction or expansion of a Capital Facility identified in the Infrastructure Improvements Plan.
- (7) Except for any fees included on Interim Fee Schedules, all Development Fees charged by the City must be included in a "Fee Schedule" prepared pursuant to this Article and included in the Fee Report.
- (8) All Development Fees shall meet the requirements of A.R.S. § 9-463.05.
- (b) *Costs per EDU.* The Fee Report shall summarize the costs of Capital Facilities necessary to serve new development on a per EDU basis as defined and calculated in the Infrastructure Improvements Plan, including all required Offsets, and shall recommend a Development Fee structure for Water and Wastewater Services for adoption by the City.
- (c) *Carry-Over of Previously-Established Development Fees and Grandfathered Facilities.* Notwithstanding the requirements of this Article, certain Development Fees adopted by the City before the effective date of this Article shall continue in effect as follows:
  - (1) Until July 1, 2014, Water and Wastewater Development Fees established before January 1, 2012 shall continue in full force and effect. Water and Wastewater Development Fees collected before January 1, 2012, shall only be expended on Capital Facilities within Water and Wastewater Services.
  - (2) The City may continue to collect and use any Development Fee established before January 1, 2012, even if the Development Fee would not otherwise be permitted to be collected and spent pursuant to A.R.S. § 9-463.05, as amended by the state legislature in SB 1525, Fiftieth Legislature, First Regular Session, if either of the following apply:
    - a. Both of the following conditions are met:
      - i. Before June 1, 2011, the Development Fee was pledged towards the repayment of Financing or Debt incurred by the City to provide a Capital Facility; and
      - ii. The applicable Capital Facility was included in the City's Infrastructure Improvements Plan, or other City planning document prepared pursuant to applicable law, before June 1, 2011.
    - b. Before July 1, 2014, the City uses the Development Fee to finance a Capital Facility in accordance with A.R.S. § 9-463.05(S).

- (3) Defined terms in any previously established fee schedule shall be interpreted according to the ordinance in effect at the time of their adoption.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14)

Sec. 49-76. - Installation of local improvements by developers.

The developer shall install, at his expense, all local water and wastewater distribution improvements necessary for a development. The developer shall pay all Development Fees required by this Article to provide service to his local distribution improvements. The developer shall install or pay for system improvements which shall be included and identified in a development master plan which has been approved by the City. The City may elect to participate in the cost of oversizing of any pipeline or other facilities. Any water meter installed for irrigation or fire protection purposes only shall not be included in the calculation of Wastewater Development Fees.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14)

Sec. 49-77. - Administration of development fees.

- (a) *Separate Accounts.* Development Fees collected pursuant to this Article shall be placed in separate, interest-bearing accounts for Water and Wastewater Services.
- (b) *Limitations on Use of Fees.* Development Fees and any interest thereon collected pursuant to this Article shall be spent to provide Capital Facilities associated with Water and Wastewater Services in the Service Area, including costs of Financing or Debt used by the City to finance such Capital Facilities and other costs authorized by this Article that are included in the Infrastructure Improvements Plan.
- (c) *Time Limit.* Development Fees collected on or after July 1, 2014 for Water and Wastewater Facilities shall be spent within fifteen (15) years after the date upon which they were collected.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

Sec. 49-78. - Land use assumptions.

The Infrastructure Improvements Plan shall be consistent with the City's current Land Use Assumptions for the Service Area and Water and Wastewater Services adopted by the City pursuant to A.R.S. § 9-463.05.

- (a) *Reviewing the Land Use Assumptions.* Before the adoption or amendment of an Infrastructure Improvements Plan, the City shall review and evaluate the Land Use Assumptions on which the Infrastructure Improvements Plan is to be based to ensure that the Land Use Assumptions within the Service Area conform to the General Plan.
- (b) *Evaluating Necessary Changes.* If the Land Use Assumptions upon which an Infrastructure Improvements Plan is based have not been updated within the last five (5) years, the City shall evaluate the Land Use Assumptions to determine whether changes are necessary. If, after an evaluation, the City determines that the Land Use Assumptions are still valid, the City shall issue the report required in Section 49-81 of this Article.
- (c) *Required Modifications to Land Use Assumptions.* If the City determines that changes to the Land Use Assumptions are necessary in order to adopt or amend an Infrastructure

Improvements Plan, it shall make such changes as necessary to the Land Use Assumptions before or in conjunction with the review and approval of the Infrastructure Improvements Plan pursuant to Section 49-81 of this Article.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

Sec. 49-79. - Infrastructure improvements plan.

- (a) *Infrastructure Improvements Plan Contents*— The Infrastructure Improvements Plan shall be developed by Qualified Professionals and may be based upon or incorporated within the City's Capital Improvements Plan. The Infrastructure Improvements Plan shall:
- (1) Specify that the City will impose a Development Fee for Water and Wastewater Services.
  - (2) Define and provide a map of the Service Area within which the City Water and Wastewater Development Fees will be charged. The Service Area must be defined in a manner that demonstrates a Substantial Nexus between the Capital Facilities to be provided in the Service Area and the EDUs to be served by those Capital Facilities.
  - (3) Identify and describe the Land Use Assumptions upon which the Infrastructure Improvements Plan is based in the Service Area.
  - (4) Identify and analyze the existing Level of Service provided by the City to existing EDUs for Water and Wastewater Services in the Service Area.
  - (5) Identify the Level of Service to be provided by the City for Water and Wastewater Services within the Service Area based on the relevant Land Use Assumptions and any established City standards or policies related to required Levels of Service.
  - (6) Identify and analyze the capacity of the existing Capital Facilities in the Service Area, the utilization of those Capital Facilities by existing EDUs, and the available excess capacity of those Capital Facilities to serve new EDUs, including any existing or planned commitments or agreements for the usage of such capacity. The Infrastructure Improvements Plan shall additionally identify any changes to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing EDUs, and the cost of those changes to upgrade, update, expand, correct or replace existing Capital Facilities to meet stricter safety, efficiency, environmental, or other regulatory standards to provide water and wastewater services to existing EDUs.
  - (7) Identify any Grandfathered Facilities and the impact thereof on the need for Water and Wastewater Services in the Service Area.
  - (8) Estimate the total number of existing and future EDUs within the Service Area based on the City's Land Use Assumptions.
  - (9) Based on the analysis in paragraphs (3)—(6) above, provide a summary table or tables describing the Level of Service for Water and Wastewater Services by relating the required Capital Facilities to EDUs in the Service Area, and identifying the applicable EDU factor.
  - (10) Identify and analyze the projected utilization of any available excess capacity in existing Capital Facilities, and all new or expanded Capital Facilities that will be required to provide and maintain the planned Level of Service in the Service Area as a result of the new projected EDUs in the Service Area, for a period not to exceed ten (10) years. Nothing in this Subsection shall prohibit the City from additionally including in its Infrastructure Improvements Plan projected utilization of, or needs for, Capital Facilities for a period longer than ten (10) years, provided that the costs of such Capital Facilities are excluded from the calculation of the System Average Cost per EDU.

RESOLUTION 11436

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- (11) Estimate the total cost of any available excess capacity in existing Capital Facilities, and/or new or expanded Capital Facilities that will be required to serve new EDUs, including costs of land acquisition, improvements, engineering and architectural services, studies leading to design, construction, financing, and administrative costs, as well as projected costs of inflation. Such total costs shall not include costs for ongoing operation, repair, and maintenance of Capital Facilities. If the Infrastructure Improvement Plan includes changes to existing Capital Facilities to provide services to existing EDUs in order to upgrade, update, expand, correct, or replace existing Capital Facilities to meet stricter safety, efficiency, environmental, or regulatory standards, the costs of such changes shall be identified and distinguished in the Infrastructure Improvement Plan from necessary costs for such changes required to provide services to new EDUs, provided, however, that any such changes for new EDUs shall be based on the same Level of Service provided to existing EDUs.
- (12) Forecast the revenues from taxes, fees, assessments or other sources, if any, that will be available to fund the new or expanded Capital Facilities identified in the Infrastructure Improvements Plan, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved land use assumptions. The Infrastructure Improvements Plan shall additionally estimate the time required to finance, construct and implement the new or expanded Capital Facilities.
- (13) Calculate required Offsets as follows:
- From the forecasted revenues in Subsection (12) of this Section, identify those sources of revenue that: (i) are attributable to new development, and (ii) will contribute to paying for the capital costs of Water and Wastewater Services.
  - For each source and amount of revenue identified pursuant to paragraph a. of this Subsection, calculate the relative contribution of each Category of Development and water meter type(s) to paying for the capital costs of Water and Wastewater Services in the Service Area.
  - Based on the relative contributions identified pursuant to paragraph b. of this subsection, calculate the total Offset to be provided to each Category of Development and water meter type(s) in the Service Area.
  - Convert the total Offset to be provided to each Category of Development and water meter type(s) in the Service Area into an eOffset amount per EDU by dividing the total Offset for each Category of Development and water meter type(s) by the number of EDUs associated with that Category of Development.
  - Beginning July 1, 2014, for purposes of calculating the required Offset, if the City imposes a construction, contracting, or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate that is imposed on the majority of other transaction privilege tax classifications in the City, the entire excess portion of the construction, contracting, or similar excise tax shall be treated as a contribution to the capital costs of water and wastewater services provided to new development unless the excess portion is already utilized for such purpose pursuant to this Section.
- (14) Calculate the System Average Cost per EDU by:
- Dividing the total projected costs to provide Capital Facilities to new EDUs for each Water and Wastewater Service in the Service Area as determined pursuant to Subsection (9) of this Section into the total service capacity projected for Water and Wastewater Services for the Service Area over a period not to exceed ten (10) years, considering the specific EDU factor(s) associated with such EDUs for both Water and Wastewater Services.



b. Subtracting the required Offset per EDU calculated pursuant to Subsection (13) of this Section.

- (b) *Reserved Capacity.* The City may reserve capacity in an Infrastructure Improvements Plan to serve one (1) or more planned future developments, including capacity reserved through a Development Agreement pursuant to Section 49-83 of this Article. All reservations of existing capacity must be disclosed in the Infrastructure Improvements Plan at the time it is adopted.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

Sec. 49-80. - Adoption and modification procedures.

- (a) *Adopting or Amending the Land Use Assumptions and Infrastructure Improvements Plan.* The Infrastructure Improvements Plan shall be adopted or amended subject to the following procedures:

- (1) *Major Amendments to the Infrastructure Improvements Plan.* Except as provided in paragraph (2) of this Subsection (a), the adoption or amendment of an Infrastructure Improvements Plan shall occur at one (1) or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the City's Land Use Assumptions as provided in Section 49-78 of this Article:

- a. At least sixty (60) days before the first public hearing regarding a new or updated Infrastructure Improvements Plan, the City shall provide public notice of the hearing and post the Infrastructure Improvements Plan and the underlying Land Use Assumptions on its website. At the same time as the notice of hearing is posted, the City shall publish notice of the hearing in a newspaper of general circulation for one (1) week on four (4) consecutive days. The City shall additionally make available to the public the documents used to prepare the Infrastructure Improvements Plan and underlying Land Use Assumptions and the amount of any proposed changes to the System Average Cost per EDU.
- b. The City shall conduct a public hearing on the Infrastructure Improvements Plan and underlying Land Use Assumptions at least thirty (30) days, but no more than sixty (60) days, before approving or disapproving the Infrastructure Improvements Plan.

- (2) *Minor Amendments to the Land Use Assumptions and Infrastructure Improvements Plan.* Notwithstanding the other requirements of this Section, the City may update the Infrastructure Improvements Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:

- a. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not add any new Water and wastewater Service facilities to the Service Area.
- b. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.
- c. Based on an analysis of the Fee Report and the City's adopted Development Fee schedules, the changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this Subsection, have caused a Development Fee in the Service Area to have been increased by more than five percent (5%) above the Development Fee that is provided in the current Development Fee schedule.
- d. At least thirty (30) days before the date that any amendment pursuant to this Section is adopted, the City shall post the proposed amendments on the City's Website.

- (b) *Amendments to the Fee Report.* Any adoption or amendment of a Fee Report and fee schedule shall occur at one (1) or more public hearings according to the following schedule:

- (1) The first public hearing on the Fee Report must be held at least thirty (30) days after the adoption or approval of any Land Use Assumptions and Infrastructure Improvements Plan as provided in Subsection (a) of this Section. The City must give at least thirty (30) days notice before the hearing, provided that this notice may be given on the same day as the approval or disapproval of the Infrastructure Improvements Plan. At the same time as the notice of hearing is posted, the City shall publish notice of the hearing in a newspaper of general circulation for one (1) week on four (4) consecutive days.
- (2) The City shall make the Infrastructure Improvements Plan and underlying Land Use Assumptions available to the public on the City's website thirty (30) days before the public hearing described in Paragraph (b)(1) of this Subsection.
- (3) The Fee Report may be adopted by the City no sooner than thirty (30) days, and no later than sixty (60) days, after the hearing described in Paragraph (b)(1) of this Subsection.
- (4) The Development Fee schedules in the Fee Report adopted pursuant to this Subsection shall become effective not less than seventy-five (75) days after adoption of the Fee Report by the City.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14)

Sec. 49-81. - Five-year validity of the infrastructure improvements plan and the land use assumptions.

- (a) *Renewing the Land Use Assumptions and Infrastructure Improvements Plan.* Except as provided in Subsection (b) of this Section, not later than every five (5) years, the City shall update the applicable Infrastructure Improvements Plan and Land Use Assumptions related to Water and Wastewater Services pursuant to Sections 49-78 and 49-79 of this Article. Such five (5) year period shall be calculated from the date of the adoption of the Infrastructure Improvements Plan.
- (b) *Determination of No Changes.* Notwithstanding Subsection (a) of this Section, if the City determines that no changes to an Infrastructure Improvements Plan, underlying Land Use Assumptions, or Fee Report are needed, the City may elect to continue the existing Land Use Assumptions, Infrastructure Improvements Plan, and Fee Report without amendment by providing notice as follows:
  - (1) Notice of the determination shall be published in a newspaper of general circulation at least one hundred eighty (180) days before the end of the five (5) year period described in Subsection (a) of this Section.
  - (2) The notice shall identify the Land Use Assumptions, Infrastructure Improvements Plan, and Fee Report that shall continue in force without amendment.
  - (3) The notice shall provide a map and description of the Service Area(s) covered by such Infrastructure Improvements Plan and Fee Report.
  - (4) The notice shall identify an address to which any resident of the City may submit, within sixty (60) days, a written request that the City update the Infrastructure Improvements Plan, underlying Land Use Assumptions, and/or Fee Report and the reasons and basis for the request.
- (c) *Response to Comments.* The City shall consider and respond within thirty (30) days to any timely requests submitted pursuant to Paragraph (4) of Subsection (b) of this Section.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14)

Sec. 49-82. - Collection of Development Fees.

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- (a) ~~Collection~~-. Development Fees for Water Services, as provided in Table A-1, and Wastewater Services, as provided in Table A-2, together with administrative charges assessed pursuant to Subsection (a)(5) and (d) of this Section, shall be calculated and collected before issuance of permission to begin development; specifically:
- (1) Unless otherwise specified pursuant to a Development Agreement adopted pursuant to Section 49-84 of this Article, Development Fees shall be paid before issuance of the first building permit for residential development. For ~~e~~Commercial, Industrial or ~~m~~Multi-Family development, Development Fees shall be paid at the time the first building permit is issued; or, alternatively, the Division may require that the Development Fees be paid when a water meter is purchased.
  - (2) If a building permit is not required for the development, but water or wastewater connections are required, any and all Development Fees due shall be paid at the time the water service connection is purchased. If only a wastewater connection is required, the Development Fees shall be paid before approval of a connection to the sewer system. Wastewater Development Fees shall be assessed if a development connects to the public sewer, or as determined by the division director or authorized designee, is capable of discharging sewage to a City public sewer.
  - (3) No building permit, water or sewer connection, or certificate of occupancy shall be issued if a Development Fee is not paid as directed in paragraphs (a)(1) and (a)(2).
  - (4) If the building permit is for a change in the type of building use, an increase in square footage, a change of land use, or an addition to a residential or non-residential point of demand to the water or wastewater system requiring a change in the water meter type or a change in the number of water meters, a Development Fee shall be assessed on the additional EDUs, changes in water meter type(s) or number of meters resulting from the expansion or change, using the current Development Fee Schedule. If Development Fees were previously paid under a Development Fee Schedule no longer in effect or under the current Development Fee Schedule, the development may be eligible for a ~~credit~~ Credit equal to the number of EDUs previously purchased against the number of EDUs needed as a result of the changes in the development. The number of EDUs required for both the ~~credit~~ Credit and for the change in the development will be determined in accordance with the provisions of Table A-1 and/or Table A-2, of this Chapter 49, Article III. (Example: If the development paid for a one (1) inch meter under a previously adopted Development Fee Schedule that did not use EDUs, and the development now wishes to increase the size of that water meter to a 1½ inch water meter by purchasing five (5) EDUs under the current Development Fee Schedule, the ~~credit~~ Credit given against the five (5) EDUs will be for one (1) EDU, which under Tables A-1 and/or A-2, is equivalent to the one (1) inch water meter previously purchased.) If the Development Fee Schedule no longer in effect did not equate water meter type to EDU's, the division director or authorized designee will make the determination of the number of EDUs that would have been equivalent to the water meter type previously purchased. Credits are based on the Development Fee Schedule in effect at the time the new EDUs are purchased. To receive a ~~credit~~ Credit, the Developer must provide to the City the receipt given for any Development Fees previously paid. There will be no refunds to the development under any circumstances, whether the ~~credit~~ Credit given is more or less than the development fee previously paid by the development.
  - (5) For issued building permits that expire or are voided, Development Fees and administrative charges shall be as follows:
    - a. If the original permittee is seeking to renew an expired or voided building permit, and the Development Fees paid for such development have not been refunded, then the permittee shall pay the difference between any Development Fees paid at the time the permit was issued and those in the applicable fee schedule at the time the permit is reissued or renewed.
    - b. If a new or renewed permit for the same development is being sought by someone other than the original permittee, the new permit Applicant shall pay the full Development Fees

specified in the fee schedule in effect at the time that the permits are reissued or renewed. If the original permittee has assigned its rights under the permits to the new permit Applicant, the new permit Applicant shall pay Development Fees as if it were the original permittee as provided in Subsection (5)a.

- c. The division director or authorized designee may require the Applicant to pay an administrative fee to cover the actual costs of reviewing the new or renewed permitting for the development.
- (b) *Exceptions-* Development Fees shall not be owed under either of the following conditions:
- (1) Development Fees have been paid for the development and the events which triggered the collection of the Development Fees have not expired or been voided.
  - (2) The approval(s) that triggers the collection of Development Fees involve modifications to existing residential or non-residential development that do not: (a) add new EDUs, (b) increase the impact of existing EDUs on existing or future Capital Facilities, or (c) change the land-use type of the existing EDUs to a different category of development requiring a different type water meter(s) for which a higher Development Fee would have been due. To the extent that any modification does not meet the requirements of this paragraph, the Development Fee due shall be the difference between the Development Fee that was or would have been due on the existing EDUs and the Development Fee that is due on the EDUs as modified.
- (c) *Temporary Freeze of Development Fee Schedules.* The Development Fee Schedule applicable to new developments in the City shall be temporarily frozen from increases in Development Fees that result from the adoption of new or modified Development Fee schedules as follows:
- (1) *Residential Land Uses.* or a Single-Family Residential Development the applicable Development Fee schedule shall be frozen for a period of twenty-four (24) months beginning on the day that the first building permit is issued for the development During the effective period of the applicable Development Fee schedule, any building permit issued for the same Single-Family Residential Development shall not be subject to any new or modified Development Fee schedule. The City shall issue, on request, a written statement of the Development Fee Schedule applicable to the development.
  - (2) *Non-Residential and Multi-Family Land Uses.* For ~~Non-Residential and Multi-Family~~ land uses, the applicable Development Fee schedule shall be frozen for a period of twenty-four (24) months beginning on the date of approval of the applicable site plan or, if no site plan is submitted for the development, the approval of the final subdivision plat. If the development has neither a site plan nor a subdivision plat, the commencement date shall be the date that the City has issued all approvals necessary for the first building permit to be issued for the development. During the effective period of the applicable Development Fee schedule, any building permit issued for the same development shall not be subject to any new or modified Development Fee schedule. The City shall issue, on request, a written statement of the Development Fee Schedule applicable to the development.
  - (3) *Other Development.* Any Mixed-Use or Supplemental Land Use not covered under paragraphs (c)(1) and (c)(2) of this Subsection shall pay Development Fees according to the fee schedule that is current at the time of collection as specified in Subsection (a) of this Section. The division director or authorized designee will make the determination of the recommended type(s) of water meter for Categories of Development within the Mixed-Use or Supplemental Land Uses. Golf Courses shall pay that portion of the Water Development Fee attributable to the Water Supply Fee imposed in accordance with the provisions of Section 49-90 of this Article. The provisions of Subsection (c)(1) and (2) shall apply in accordance with the determination as to the applicable category of development.
  - (4) *Changes to Site Plans and Subdivision Plats.* Notwithstanding the other requirements of this Subsection, if changes are made to a development's final site plan or subdivision plat that will increase the number of EDUs or change in water meter type(s) after the issuance of a



Development Fee schedule, the City may assess any new or modified Development Fees against the additional EDUs or change in water meter type(s). The development will receive a ~~credit~~ Credit for any Development Fees paid at the time the final site plan or subdivision plat was approved for that development against any new or modified Development Fees required to be paid. If the City reduces the amount of an applicable Development Fee during the period that a grandfathered Development Fee schedule is in force, the City shall assess the lower Development Fee.

- (d) *Option to Pursue Special Fee Determination*-. Where a development is of a type that does not closely fit within a particular Category of Development or recommended water meter type(s) appearing on an adopted Development Fee schedule, or where a development has unique characteristics such that the actual burdens and costs associated with providing Water or Wastewater Services to that development will differ substantially from that associated with other developments in a specified Category of Development or recommended water meter type(s), the City may require the Applicant to provide the division director or authorized designee with an alternative Development Fee analysis. Based on a projection of the actual burdens and costs that will be associated with the development, the alternative Development Fee analysis may propose a unique fee for the development based on the application of an appropriate EDU factor to the applicable System Average Cost per EDU, or may propose that the development be covered under the Development Fee schedule governing a different and more analogous Category of Development or recommended water meter type(s). The division director or authorized designee shall review the alternative Development Fee analysis and shall make a determination as to the Development Fee to be charged. Such decision shall be appealable pursuant to Section 49-85 of this Article. The division director or authorized designee may require the Applicant to pay an administrative fee to cover the actual costs of reviewing the special fee determination application.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4344, § 1, 5-22-18)

Sec. 49-83. - Development Fee Credits and Credit Agreements.

- (a) *Eligibility of Capital Facility*-. All Development Fee Credits must meet the following requirements:

- (1) One (1) of the following must be true:

- a. The Capital Facility, or the financial contribution toward a Water or Wastewater Capital Facility that will be provided by the developer and for which a Credit will be issued, must be identified in an adopted Infrastructure Improvements Plan and Fee Report as a Water or Wastewater Capital Facility for which a Development Fee was assessed; or
- b. The Applicant must demonstrate to the satisfaction of the City that, given the class and type of improvement, the subject Capital Facility should have been included in the Infrastructure Improvements Plan in lieu of a different Capital Facility that was included in the Infrastructure Improvements Plan and for which a Development Fee was assessed. If the subject Capital Facility is determined to be eligible for a Credit in this manner, the City shall amend the Infrastructure Improvements Plan to (i) include the subject replacement facility and (ii) delete the Capital Facility that will be replaced.

- (2) Credits shall not be available for any infrastructure provided by a developer if the cost of such infrastructure will be repaid to the developer by the City through another agreement or mechanism. To the extent that the developer will be paid or reimbursed by the City for any contribution, payment, construction, or dedication from any City funding source including an agreement to reimburse the developer with future collected Development Fees pursuant to Article V of this Chapter entitled Water and Sewer Extension Agreements, any Credits claimed

by the developer shall be: (a) deducted from any amounts to be paid or reimbursed by the City; or (b) reduced by the amount of such payment or reimbursement.

- (3) If the developer is not obligated to pay Development Fees, the developer is not entitled to receive any ~~credits~~Credits.
- (b) *Eligibility of Subject Development*-. To be eligible for a Credit, the Subject Development must be located within the Service Area.
  - (1) A Golf course developer who has executed a separate agreement with the City may receive ~~credit~~Credit against the Water Supply portion of the Water Development Fee applicable to Water Supply only, in accordance with the terms of the agreement.
- (c) *Calculation of Credits*. Credits will be based on that portion of the costs for a Water or Wastewater Capital Facility identified in the adopted Infrastructure Improvements Plan for which a Development Fee was assessed pursuant to the Fee Report. If the Gross Development Fee for Water or Wastewater service is adopted at an amount lower than the System Average Cost per EDU, the amount of any Credit shall be reduced in proportion to the difference between the System Average Cost per EDU and the Gross Development Fee adopted. A Credit shall not exceed the actual costs the Applicant incurred in providing the Water or Wastewater Capital Facility or water supply acquisition. Credit for land deeded to the City for Water or Wastewater Capital Facilities shall be based on a fair market value established by private appraisers acceptable to the City. The valuation date for the appraisal will be the date the land is deeded to the City. Credit shall be applied to the Credit Agreement only when the land has been conveyed at no charge to, and accepted by the City in a manner satisfactory to the City Asset Manager.
- (d) *Allocation of Credits*. Before any Credit can be issued to a Subject Development (or portion thereof), the Credit must be allocated to that development as follows:
  - (1) The Developer and the City must execute a Credit Agreement stating all of the following:
    - a. The total amount of the Credits resulting from provision of a water or wastewater Capital Facility or water supply acquisition.
    - b. The estimated number of EDUs to be served within the Subject Development.
    - c. The method by which the Credit values will be distributed within the Subject Development.
  - (2) It is the responsibility of the developer to request allocation of Development Fee Credits through an application for a Credit Agreement (which may be part of a Development Agreement entered into pursuant to Section 49-84 of this Article).
  - (3) If a building permit is issued or a water/sewer connection is purchased, and a Development Fee is paid before execution of a Credit Agreement for the Subject Development, no Credits will be allocated retroactively to that permit or connection. Credits may be allocated to any remaining permits for the Subject Development in accordance with this Article.
  - (4) If the entity that provides a water or wastewater Capital Facility or water supply acquisition sells or relinquishes a development (or portion thereof) that it owns or controls before execution of a Credit Agreement or Development Agreement, Credits resulting from the water or wastewater Capital Facility will only be allocated to the development if the entity legally assigns such rights and responsibilities to its successor(s) in interest for the Subject Development.
  - (5) If multiple entities jointly provide an eligible Capital Facility, all entities must enter into a single Credit Agreement with the City, and any request for the allocation of Credit within the Subject Development(s) must be made jointly by the entities that provided the eligible Capital Facility.
  - (6) Credits may only be reallocated from or within a Subject Development with the City's approval of an amendment to an executed Credit Agreement, subject to the following conditions:

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- a. The entity that executed the original ~~credit~~ Credit agreement with the City, or its legal successor in interest and the entity that currently controls the Subject Development are both parties to the request for reallocation.
  - b. The reallocation proposal does not change the value of any Credits already issued for the Subject Development.
- (7) A Credit Agreement may authorize the allocation of Credits to a non-contiguous parcel only if all of the following conditions are met:
  - a. The entity that executed the original agreement with the City or its legal successor in interest, the entity that currently controls the Subject Development, and the entity that controls the non-contiguous parcel are all parties to the request for reallocation.
  - b. The reallocation proposal does not change the value of any Credits already issued for the Subject Development.
  - c. The non-contiguous parcel is in the same Service Area as that served by the eligible Capital Facility.
  - d. The non-contiguous parcel receives water or wastewater service from the Water or Wastewater Capital Facility.
  - e. The Credit Agreement specifically states the value of the Credits to be allocated to each parcel and/or EDU, or establishes a mechanism for future determination of the Credit values.
  - f. The Credit Agreement does not involve the transfer of Credits to or from any property subject to a Development Agreement.
- (e) *Credit Agreement*-. Credits shall only be issued pursuant to a Credit Agreement executed in accordance with Subsection (d) of this Section. The division director of Water Resources or authorized designee is authorized by this Article to review, approve and sign a Credit Agreement with the controlling entity of a Subject Development, subject to the following:
  - (1) The Developer requesting the Credit Agreement shall provide all information requested by the City to allow it to determine the value of the Credit to be applied.
  - (2) An application for a Credit Agreement shall be submitted to the City by the Developer within one (1) year after the date on which ownership or control of the Capital Facility passes to the City.
  - (3) The Developer shall submit a draft Credit Agreement to the division director of Water Resources or authorized designee(s) for review in the form provided to the Applicant by the City. The draft Credit Agreement shall include, at a minimum, all of the following information and supporting documentation:
    - a. A legal description and map depicting the location of the Subject Development for which Credit is being applied. The map shall depict the location of the Capital Facilities that have been or will be provided.
    - b. An estimate of the total EDUs that will be developed within the Subject Development depicted on the map and described in the legal description.
    - c. A list of the Capital Facilities, associated physical attributes, and the related costs as stated in the Infrastructure Improvements Plan.
    - d. Documentation showing the date(s) of acceptance by the City, if the Capital Facilities have already been provided.
    - e. The total amount of Credit to be applied within the Subject Development and the calculations leading to the total amount of Credit.

- f. The Credit amount to be applied to each EDU within the Subject Development for Water and Wastewater Services.
- (4) The City's determination of the Credit to be allocated is final.
- (5) Upon execution of the Credit Agreement by the City and the Applicant, Credits shall be considered allocated to the Subject Development.
- (6) Any amendment to a previously approved Credit Agreement must be initiated within two (2) years after the date of the City's final acceptance of the eligible Capital Facility for which the amendment is requested.
- (7) Any Credit Agreement approved as part of a Development Agreement shall be amended in accordance with the terms of the Development Agreement and Section 49-84 of this Article.
- (8) Credits shall be payable for a period of up to twenty (20) years from the date the City issues its final acceptance of the Capital Facility or system improvements. After twenty (20) years, no ~~credits~~ Credits shall be payable.
- (9) Credits payable for Water Capital Facilities shall not be transferable to those payable for Wastewater Capital Facilities. Credits payable for Wastewater Capital Facilities shall not be transferable to those for Water Capital Facilities.
- (10) The Credit Agreement shall be maintained permanently in the City Clerk's office.
- (f) *Issuance of Credits*-. Credits allocated pursuant to Subsection (d) of this Section may be issued and applied toward the Gross Development Fees due from a development, subject to the following conditions:
  - (1) Credits issued for a Water or Wastewater Capital Facility may only be applied to the Development Fee due for Water and Wastewater Services.
  - (2) Credits shall only be issued when the Water or Wastewater Capital Facility from which the Credits were derived has been accepted by the City or when adequate security for the completion of the Water or Wastewater Capital Facility has been provided in accordance with all terms of an executed Development Agreement.
  - (3) Credits shall be payable within thirty (30) days after the end of the quarter in which the building permit or other authorization to provide water or wastewater service to a parcel or lot identified in the Agreement has occurred and connection to the water and wastewater services has occurred as provided in Section 49-82(a)(1) and (2) of this Article. Credit amounts will not accrue interest.
  - (4) Where Credits have been issued pursuant to Subsection (f)(2) of this Section, a development fee due at the time a building permit is issued shall be reduced by the Credit amount stated in or calculated from the executed Credit Agreement. Where Credits have not yet been issued, the Gross Development Fee shall be paid in full, and a refund of the Credit amount shall be due when the Developer demonstrates compliance with Subsection (f)(2) in a written request to the City.
  - (5) Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that Credits may be released for reuse on the same Subject Development if a building permit for which the Credits were issued has expired or been voided and connection to the water or wastewater services has not occurred and is otherwise eligible for a refund under Section 49-86(a)(2)a. of this Article.
  - (6) Notwithstanding the other provisions of this Section 49-83, Credits issued before January 1, 2012 may only be used for the Subject Development for which they were issued. Such Credits may be transferred to a new owner of all or part of the Subject Development in proportion to the percentage of ownership in the Subject Development to be held by the new owner.

- (7) Credits will not be issued for dedicated easements, tracts, or rights-of-way, nor local water distribution or local sewer collection improvements within a development and related appurtenances.
  - (g) A Credit Agreement entered into by the City and a Developer for a Capital Facility provided by the Developer and accepted by the City before June 1, 2011 is considered a grandfathered Credit Agreement and is fully enforceable in accordance with its terms and conditions.
- (Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-84. - Development agreements.

Development Agreements containing provisions regarding Development Fees, Development Fee Credits, and/or disbursement of revenues from Development Fee accounts shall comply with the following:

- (a) *Development Agreement Required.* A Development Agreement is required to authorize any of the following:
  - (1) To issue Credits before the City's acceptance of a Water or Wastewater Capital Facility.
  - (2) To allocate Credits to a parcel that is not contiguous with the Subject Development and that does not meet the requirements of Section 49-83(d)(7) of this Article.
  - (3) To reimburse the developer of a Water or Wastewater Capital Facility using funds from Development Fee accounts.
  - (4) To allocate different Credit amounts per EDU to different parcels within a Subject Development.
  - (5) For a Single-Family Residential Dwelling Unit, to allow Development Fees to be paid at a later time than the issuance of a building permit as provided in this Section.
- (b) *General Requirements.* All Development Agreements shall be prepared and executed in accordance with A.R.S. § 9-500.05 and any applicable requirements of the City Code. Except where specifically modified by this Section, all provisions of Section 49-83 of this Article shall apply to any Credit Agreement that is authorized as part of a Development Agreement.
- (c) *Early Credit Issuance.* A Development Agreement may authorize the issuance of Credits before acceptance of a Water or Wastewater Capital Facility by the City when the Development Agreement specifically states the form and value of the security (i.e. bond, Letter of Credit, etc.) to be provided to the City before issuance of any Credits. The City shall determine the acceptable form and value of the security to be provided.
- (d) *Non-Contiguous Credit Allocation.* A Development Agreement may authorize the allocation of Credits to a non-contiguous parcel only if all of the following conditions are met:
  - (1) The non-contiguous parcel is in the City Service Area.
  - (2) The non-contiguous parcel receives Water or Wastewater Services from the eligible Capital Facility.
  - (3) The Development Agreement specifically states the value of the Credits to be allocated to each parcel and/or EDU, or establishes a mechanism for future determination of the Credit values.
- (e) *Uneven Credit Allocation.* The Development Agreement must specify how Credits will be allocated amongst different parcels on a per-EDU basis, if the Credits are not to be allocated



evenly. If the Development Agreement is silent on this topic, all Credits will be allocated evenly amongst all parcels on a per-EDU basis.

- (f) *Use of Reimbursements.* Funds reimbursed to developers from development fee accounts for construction of a Water or Wastewater Capital Facility or Water Supply acquisition must be utilized in accordance with applicable law for the use of City funds in construction or acquisition of Capital Facilities, including any procurement requirements in A.R.S. § 34-201 et seq.
- (g) *Deferral of Fees.* A Development Agreement may provide for the deferral of payment of Development Fees for a residential development beyond the issuance of a building permit; provided that a Development Fee may not be paid later than fifteen (15) days after the issuance of the certificate of occupancy for that Dwelling Unit. The Development Agreement shall provide for the value of any deferred Development Fees to be supported by appropriate security, including a surety bond, letter of credit, or cash bond.
- (h) *Waiver of Fees.* If the City agrees to waive any Development Fees assessed on development in a Development Agreement, the City shall reimburse the appropriate Development Fee account for the amount that was waived. Reimbursement funds will be drawn from the City's General Fund.
- (i) *No Obligation.* Nothing in this Section obligates the City to enter into any Development Agreement or to authorize any type of Credit Agreement permitted by this Section.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

Sec. 49-84.1. - Connection fees for water/wastewater services outside City boundaries.

- (a) *Prior Agreements.* Any Agreement to provide Water or Wastewater Services outside the boundaries of the City that required the payment of Development Fees will be honored in accordance with the terms of that Agreement if the fees were paid before July 1, 2014; provided, however, that the Development Fees for the development and the events which triggered the collection of the Development Fees have not expired or been voided. Any such Agreements must be based on Development Fees adopted before January 1, 2012. If Development Fees were not paid for the new connections for Water or Wastewater services before July 1, 2014, the City will impose a Water or Wastewater Connection Fee in lieu of any Development Fees for any new construction within that development in accordance with the applicable water meter type(s) as set forth in Tables A-1 and A-2 of this Article III, as amended from time to time.
- (b) *Changes to Site Plans and Subdivision Plats.* Notwithstanding any other requirements of this Subsection, if changes are made to a development's final site plan or subdivision plat that will increase the number of service units, the City may assess new or modified Connection Fees against the additional service units in accordance with the applicable water meter type(s) as set forth in Tables A-1 and A-2. If the City reduces the amount of an applicable fee, the City shall assess the lower amount as a Connection Fee.
- (c) *Future Development.* After July 1, 2014, in areas outside the boundaries of the City where the City has elected to provide Water or Wastewater Services, and a Developer is requesting that the City provide new Water or Wastewater Services to new development, the City will impose a Connection Fee for such services based on the recommended type(s) of water meters. The division director of Water Resources or authorized designee will make the determination of the recommended type(s) of water meter(s).
- (d) The amount of the Connection Fees for water and wastewater services shall be based on the provisions of Tables A-1 and A-2 of this Article III, and shall be paid at the time the water service connection is purchased. If only a wastewater connection is required, the Connection Fee shall be paid before approval of a connection to the City's sewer system. The City will deny any connection to water or wastewater services if the Developer fails to pay the applicable Water or Wastewater

Connection Fee when due. If the development is capable of discharging sewage to a City public sewer, a Wastewater Connection Fee shall be assessed if a development connects to the public sewer, or as determined by the division director of Water Resources or authorized designee.

- (e) *Appeals of Connection Fee.* The Developer may appeal the decision of the division director of Water Resources or authorized designee in accordance with the provisions of Sec. 49-85. An appeal shall be limited to disputes regarding the calculation of the Connection Fee and calculation of the number of service units for a specific development. The Applicant may connect to Water Services or Wastewater Services if, during the pendency of an appeal, the Applicant (1) pays the Connection Fee calculated by the City at the time the appeal is filed, or (2) provides the City with appropriate security, including surety bond, letter of credit, or cash bond in a form acceptable to the division director of Water Resources or authorized designee, equal to the full amount of the Connection Fee. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered, and a refund paid if warranted. If a second appeal is taken to the City Manager and the appeal is denied by the City Manager or authorized designee, and the Applicant has provided the City with financial assurances as set forth in clause (2) above, the Applicant shall deliver the full amount of the Connection Fee to the City within ten (10) days after the City Manager or authorized designee's final decision on the appeal. If the Applicant fails to deliver the full amount of the Connection Fee when required by this Subsection, the City may draw upon such financial assurance instrument(s) as necessary to recover the full amount of the Connection Fee due from the Applicant.
- (f) The provisions of Section 49-82(c) regarding the temporary freeze of Development Fee Schedules shall also apply to water and wastewater services outside City boundaries.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-85. - Appeals.

A Development Fee determination by City staff may be appealed in accordance with the following procedures:

- (a) *Limited Scope.* An appeal shall be limited to disputes regarding the calculation of the Development Fees for a specific development and/or permit and calculation of the number of EDU's for the development.
- (b) *Form of Appeal.* An appeal shall be initiated on such written form as the City may prescribe, and submitted to the division director of Water Resources or authorized designee. Any hearing on the appeal to the division director of Water Resources or the City Manager will be informal and will not be subject to the Rules of Evidence. Testimony will not be taken under oath and subpoenas for the production of evidence or witnesses may not be issued.
- (c) *Department Action.* The division director of Water Resources or authorized designee shall hold any hearing and act upon the appeal within thirty (30) calendar days after the filing of the appeal with the Water Resources Division, and the Applicant shall be notified of the Director's decision in writing within fourteen (14) calendar days after the date of the hearing.
- (d) *Appeal to City Manager.* The Applicant may further appeal the decision of the division director of Water Resources to the City Manager or authorized designee, within fourteen (14) calendar days of the decision.
- (e) *Action by City Manager.* The City Manager or authorized designee shall act upon the appeal within fourteen (14) calendar days of receipt of the appeal, and the Applicant shall be notified of the City Manager or authorized designee's decision in writing.

- (f) *Final Decision.* The City Manager or authorized designee's decision regarding the appeal is final.
- (g) *Fees During Pendency.* Building permits may be issued during the pendency of an appeal if the Applicant (1) pays the full development fee calculated by the City at the time the appeal is filed or (2) provides the City with appropriate security, including surety bond, letter of credit, or cash bond in a form acceptable to the division director of Water Resources equal to the full amount of the development fee. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered, and a refund paid if warranted. If the appeal is denied by the City Manager or authorized designee, and the Applicant has provided the City with financial assurances as set forth in clause (2) above, the Applicant shall deliver the full amount of the development fee to the City within ten (10) days of the City Manager or authorized designee's final decision on the appeal. If the Applicant fails to deliver the full amount of the development fees when required by this Subsection, the City may draw upon such financial assurance instrument(s) as necessary to recover the full amount of the development fees due from the Applicant.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14)

Sec. 49-86. - Refunds of development fees.

- (a) *Refunds.* A refund (or partial refund) will be paid to any current owner of property within the City who submits a written request to the City and demonstrates that:
  - (1) The building permit(s) that triggered the collection of the Development Fee has expired or been voided before the commencement of the development for which the permits were issued, connection to water or wastewater services has not occurred, and the Development Fees collected have not been expended, encumbered, or Pledged for the repayment of Financing or Debt; or
  - (2) The owner of the subject real property or its predecessor in interest paid a Development Fee for the applicable Capital Facility on or after July 1, 2014, and one (1) of the following conditions exists:
    - a. The Capital Facility designed to serve the subject real property has been constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity, and the service which was to be provided by that Capital Facility has not been provided to the subject real property from that Capital Facility or from any other infrastructure.
    - b. After collecting the fee to construct a Capital Facility the City fails to complete construction of the Capital Facility within the time period identified in the Infrastructure Improvements Plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that Capital Facility or any other infrastructure.
    - c. Any part of a Development Fee for Water or Wastewater Facilities that is not spent within fifteen (15) years after the City's receipt of the Development Fee. Such Development Fee is refundable upon application. Development Fees shall be considered expended or encumbered in the order received by the City on a first-in, first-out basis. Development Fees are expended or encumbered when actually paid by the City or when a lease, purchase, construction option or other contract or agreement creating an absolute or continuing obligation to pay and relating to the purposes stated in section 49-82 has been approved by the City Council. Written application for a refund shall be made within one (1) year after the date the Development Fee becomes refundable and shall include documentation sufficient to establish the date and amount of the Development Fee payment. Development Fees for which no timely application is made will be applied to the

applicable water or wastewater development fund into which the Development Fee was paid.

- d. The Development Fee was calculated and collected for the construction cost to provide Capital Facilities serving the subject real property and the actual construction costs for the Capital Facilities are less than the construction costs projected in the Infrastructure Improvements Plan by a factor of ten percent (10%) or more. In such event, the current owner of the subject real property shall, upon request as set forth in Subsection a., be entitled to a refund for the difference between the amounts of the Development Fee charged for and attributable to such construction cost and the amount the Development Fee would have been calculated to be if the actual construction cost had been included in the Infrastructure Improvements Plan. The refund contemplated by this Subsection shall relate only to the costs specific to the construction of the applicable Capital Facilities and shall not include any related design, administrative, or other costs not directly incurred for construction of the Capital Facilities that are included in the Development Fee as permitted by A.R.S. § 9-463.05.
- (b) *Earned Interest.* A refund of a Development Fee shall include any interest actually earned on the refunded portion of the Development Fee by the City from the date of collection to the date of refund. All refunds shall be made to the record owner of the property at the time the refund is paid.
- (c) *Refund to Government.* If a Development Fee was paid by a governmental entity, any refund shall be paid to that governmental entity.
- (d) *Refund of Water Development Fee attributable to Water Supply:* The portion of the Water Development Fee attributable to the Water Supply will not be refunded if the funds have been expended, encumbered, or pledged for the repayment of Financing or Debt for the acquisition of a new water supply. In all other circumstances, the Water Supply portion of the Water Development Fee will be refunded in accordance with the provisions of this Section.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4170, § 1(Res. No. 9873, § 1), 9-23-14, eff. 11-1-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-87. - Oversight of development fee program.

- (a) *Annual Report.* Within ninety (90) days of the end of each fiscal year, the City shall file with the City Clerk an unaudited annual report accounting for the collection and use of the fees for the service area and shall post the report on its website in accordance with A.R.S. § 9-463.05(N) and (O), as amended.
- (b) *Biennial Audit.* In addition to the annual report described in Subsection (a) of this Section, the City shall provide for a biennial, certified audit of the City's Land Use Assumptions, Infrastructure Improvements Plan and Development Fees.
  - (1) An audit pursuant to this subsection shall be conducted by one (1) or more qualified professional who are not employees or officials of the City and who did not prepare the infrastructure improvements plan.
  - (2) The audit shall review the collection and expenditures of Development Fees for each project in the plan and provide written comments describing the amount of Development Fees assessed, collected, and spent on capital facilities.
  - (3) The audit shall describe the level of service in each service area, and evaluate any inequities in implementing the infrastructure improvements plan or imposing the Development Fee.
  - (4) The City shall post the findings of the audit on the City's website and shall conduct a public hearing on the audit within sixty (60) days of the release of the audit to the public.

- (5) For purposes of this section, a certified audit shall mean any audit authenticated by one (1) or more of the qualified professionals conducting the audit pursuant to subsection (b)(1) of this section.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

Sec. 49-88. - Exception for individual property owner with private water system.

Individual property owners may develop their property with no more than one (1) residential dwelling unit without an approved water system by hauling water or by a private well with the following restrictions:

- (1) The nearest corner of the property must be further than six hundred sixty (660) feet from an existing approved and available water system.
- (2) Residential sprinkler systems with a minimum of three hundred (300) gallons of storage, independent of domestic storage, will be required and must be approved by the fire department.
- (3) The sizing of booster pumps, piping and domestic storage will be subject to the plumbing code.
- (4) Individual parcel owners who provide their own water system as provided by this section are not required to pay the Development Fees assessed by this article until such time as the property is served by City water.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-89. - Approval of water and wastewater system construction.

The City must approve the design, engineering, and construction of all connections to the water and wastewater systems provided for under this article.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

Sec. 49-90. - Golf course water supply fee.

A golf course shall pay the portion of the Water Development Fee attributable to Water Supply in accordance with the terms of an agreement between the City and the golf course developer. Such fee shall not be less than the water meter type for a Single-Family Dwelling Unit, i.e., one (1) EDU times the Arizona Department of Water Resources maximum annual water allotment for golf course turf, or if such allotment does not exist, the reasonably expected maximum annual demand for water.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14)

**Table A-1: Water Development  
Fee Schedule**

Meter Type	EDU Factor	Development Fee
5/8 , ¾ and 1 inch	1.0	\$3,908.00



1½ inch	5.0	\$19,540.00
2 inch	8.0	\$31,264.00
3 inch compound	17.5	\$68,390.00
3 inch turbine	22.0	\$85,976.00
4 inch compound	30.0	\$117,240.00
4 inch turbine	42.0	\$164,136.00
6 inch compound	67.5	\$263,790.00
6 inch turbine	86.5	\$338,042.00

For nonresidential meters larger than 6 inches, the development fees will be based on the number of EDUs associated with the peak daily water demands for the proposed development as determined by the division director or designee.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4344, § 2, 5-22-18)

**Table A-2: Wastewater Development  
Fee Schedule**

Meter Type	EDU Factor	Development Fee
5/8 , ¾ and 1 inch	1.0	\$2,609.00
1½ inch	5.0	\$13,045.00
2 inch	8.0	\$20,872.00
3 inch compound	17.5	\$45,658.00
3 inch turbine	22.0	\$57,398.00

4 inch compound	30.0	\$78,270.00
4 inch turbine	42.0	\$109,578.00
6 inch compound	67.5	\$176,108.00
6 inch turbine	86.5	\$225,679.00
8 inch compound (residential)	90.0	\$234,810.00

For nonresidential meters larger than 6 inches, the development fees will be based on the number of EDUs associated with the average daily wastewater demands for the proposed development, as determined by the division director or designee.

(Ord. No. 4130, § 3(Res. No. 9620, § 1, Exh. A), 2-25-14, eff. 7-1-14; Ord. No. 4344, § 3, 5-22-18)

#### ARTICLE IV. - SEWAGE COLLECTION, PRETREATMENT AND TREATMENT<sup>23</sup>

Footnotes:

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**Editor's note**— Ord. No. 2623, § 1, adopted Dec. 20, 1993, repealed former arts. IV and V, which pertained to sewers and sewage disposal, and extension and reimbursement agreements, respectively. Subsequently, Ord. No. 4010, § 1(Res. No. 9016, Exh. A), adopted May 15, 2012, effective July 1, 2012 amended the title of Art. IV to read as herein set out. Prior to inclusion of said ordinance, Art. IV was titled "Wastewater Collection, Pretreatment and Treatment." See also the Code Comparative Table.

#### DIVISION 1. - GENERAL

##### Sec. 49-91. - Definitions.

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

Account holder means the person, persons or entity in whose name a City sewer service account is established in accordance with the procedures set forth in this Chapter.

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § § 1251, et seq.

Approval authority means the Arizona Department of Environmental Quality or Regional Administrator for Region IX of the U.S. EPA.

Approved means accepted by the Water Resources Division as either meeting an applicable specification stated or cited in this chapter or suitable for the proposed use.

*Approved laboratory procedures* means the measurements, tests and analyses of the characteristics of water and sewage in accordance with analytical procedures as established in Title 40, Code of Federal Regulations, Part 136, as revised, that are performed by an environmental laboratory licensee by the state pursuant to A.R.S. § 36-495, et seq. Alternative procedures may be approved by the division director of Water Resources or designee in accordance with applicable federal regulations.

*Authorized representative of an industrial user* means:

- (a) If the user is a corporation:
  - (1) The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- (d) The individuals described in subsections (a) through (c) above may designate another authorized representative if the authorization is made in writing, the authorization specifies the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company or facility, and the written authorization is submitted to the City.

*Available* means a public sewer line is located within ~~sixty five~~ hundred sixty (660500) feet of a property's boundary line, has sufficient capacity for the requested connection, an extension of the line can be engineered to meet the City's standards, and the physical circumstances of the right-of-way and the surrounding property will reasonably permit the extension. ~~This includes establishing gravity flow from the subject parcel to an existing public sewer line located within five hundred (500) feet of a property's boundary line.~~ What is "reasonable" shall be determined in the sole judgment of the City.

*Best Management Practices or BMPs* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 49-161 and 40 CFR § 403.5 (a)(1) and (b). BMPs are pretreatment requirements and include, but are not limited to, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of, certain established categorical pretreatment standards and effluent limits.

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, expressed as a concentration (e.g., milligrams per liter (mg/l)).

*Building sewer* means a private conveyance for transporting wastewater from a person's premises to a private sewer or to the POTW. The building sewer includes the sewer tap.

*Bypass* means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

*CFR* means the Code of Federal Regulations.

*Categorical industrial user* means an industrial user subject to a categorical pretreatment standard or categorical standard.

*Categorical pretreatment standard or categorical standard* means any regulation containing pollutant discharge limitations and promulgated by the EPA under the authority of Section 307(b) and (c) of the Act which apply to a specific category of users and which are published in 40 CFR chapter I, subchapter N Parts 405-471.

*Chemical oxygen demand (COD)* means a measure of the oxygen required to oxidize all compounds, both organic and inorganic in water, expressed in terms of weight and concentration (mg/l).

*City* means the City of Scottsdale, Arizona.

*Composite sample* means 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 a permit.

*Code* means the Scottsdale Revised Code.

*Concentration* means strength of the wastewater as measured by BOD or COD in units of mg/l.

*Contractor (synonymous with "builder")* means a person who undertakes to or offers to undertake to, or purports to have capacity to undertake to, or submits a bid to, or does himself or by or through others construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement or to do any part thereof, including the erection of a scaffolding or other structures or works in connection therewith, and includes subcontractors, specialty contractors, developers and speculative builders.

*Cooling water* means any discharge from any heat transfer system such as condensation, air conditioning, cooling or refrigeration into the sewer system.

*Daily maximum limit* means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that calendar day.

*Department director of business services* means the business services department director of the City revenue collection function or his duly authorized agent including, but not limited to, the revenue collector and utility billing office.

*Developer* shall include within its meaning the owner/builder and shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust or other legal entity which is responsible for constructing wastewater facilities or creating a demand on the City water or sewer facilities.

*Dilution* means the addition of some quantity of liquid (water) that results in a decrease in the original concentration.

*Division* means the City of Scottsdale Water Resources Division.

*Division director* means the division director of Water Resources or designee.

*Domestic wastewater or sanitary wastewater* means liquid wastes containing sewage and similar matter from the sanitary facilities of residences, commercial buildings, and industrial facilities.

*Domestic user* means any user who discharges only domestic sewage.

*Effluent limitation* means a limitation imposed on discharges to the POTW.

*Enforcement response plan (ERP)* means a plan developed by the City to enforce the pretreatment regulations contained in the Scottsdale Revised Code.

*Environmental Protection Agency or EPA* means the United States Environmental Protection Agency or a duly authorized official of said agency.

*Executive Director* means the Water Resources executive director or designee.

*Existing source* means an industrial user which: 1) is in operation at the time of promulgation of categorical pretreatment standards; or 2) any source of discharge that is not a new source.

*Facility* means any land, building, installation, structure, equipment, device, conveyance, area, or source from which there is or, with reasonable probability, may be a discharge.

*Fats, oils, and grease (FOG)* means any hydrocarbons, fatty acids, soaps, fats, waxes, oils, and any other material that is extracted by hexane solvent, as specified in 40 CFR Part 136.

*Food service establishment* means any business activity where articles of food, drink, or condiment are customarily prepared or served to patrons for consumption on or off the premises. This also includes restaurants, bars, cocktail lounges, the dining room of hotels, and all caterers.

*Frontage* means the entire length of that portion of a parcel of property that abuts a public street, public easement, or public right-of-way.

*Garbage* means solid waste from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

*Grab sample* means an individual sample that is collected from a wastestream without regard to the flow and over a period of time not to exceed fifteen (15) minutes.

*Hazardous waste* means any discarded material listed as hazardous pursuant to 40 CFR Part 261 or having such characteristics.

*Indirect discharge or discharge* means the introduction of pollutants into the POTW from any non-domestic source.

*Industrial* means of or pertaining to industry, manufacturing, commerce, trade, or business, as distinguished from domestic or residential.

*Industrial user or user* means a source of indirect discharge.

*Industrial waste* means the liquid waste from an industrial manufacturing process, trade, or business as distinguished from domestic wastewater.

*Inflow* means water other than sewage that enters the POTW (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, swimming pools, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage.

*Instantaneous limit* means the maximum concentration of a pollutant allowed to be discharged at any time and determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interceptor* means a device used to separate oil, grease, and sand or any flammable wastes from sewage.

*Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources:

- (a) Inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal; and



- (b) 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, regulations, or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Act; the Solid Waste Disposal Act (SWDA) (including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA)); 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; and the Marine Protection, Research, and Sanctuaries Act.

*Intergovernmental Agreement (IGA)* means the SubRegional Operating Group (SROG) Joint Exercise of Powers Agreement (JEPA) No. 22699 or the latest amendment thereto relating to implementation and enforcement of the industrial pretreatment program under a NPDES permit issued to the City of Phoenix. The IGA is among the City of Phoenix and the Cities of Scottsdale, Tempe, Mesa and Glendale.

*Lateral sewer* means a sewer which has no common sewer tributary and which discharges into a main sewer.

*Local limit* means a specific discharge limitation developed and enforced by the City as pretreatment standards upon industrial users to implement the general and specific discharge prohibitions listed in 40 CFR § 403.5(a)(1) and (b).

*Main sewer* means a sewer which receives sewage from one (1) or more sewers as tributaries.

*Medical waste* means any solid waste as defined in 49 A.R.S. § 701, including isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

*Mixed use development* means a real estate project with planned integration of some combination of retail office, residential, hotel, recreation, industrial or other functions. The different classes of mixed use are summarized at section 49-141(g).

*Monitoring manhole* means a manhole used to monitor sewage flows or quality.

*Monthly average* means the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

*Multi-Family Residential* means more than one (1) dwelling unit is serviced by a single sewer tap and is connected to the sewer system.

*Natural outlet* means any outlet into a watercourse, ditch, or other body of surface or ground water.

*New source* means 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 pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section and as further set forth in 40 CFR § 403.3(m).

*Non compliant* means failing to satisfy the requirements of this article.

*Noncontact cooling water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Nonhazardous liquid waste (NHLW)* means waste hauled from residential septic systems, restaurant grease traps/interceptor or chemical toilets.

*Non-significant industrial user* means any person or entity which does not meet the definition of a significant industrial user, but is otherwise required by the City through permit, order, or notice to comply with specific provisions of this article.

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*Notice* means a written instrument served by the City, as follows, with time commencing from date of mailing, servicing, filing or recording:

- (1) by the use of ordinary mail to the last known address of the person to whom it is required to be given; or
- (2) by personal service ~~upon the person or his lawful representative~~; or
- (3) by filing or recording with a clerk of the superior court or county recorder.

*NPDES permit* means a national pollutant discharge elimination system permit issued by the EPA, or an Arizona pollutant discharge elimination system (AZPDES) permit issued by the state of Arizona, which imposes standards governing the quality of treated effluent discharged from a POTW into a navigable water of the United States. NPDES permit also means the National Pollutant Discharge Elimination System Permit #AZ0020524 issued to the City of Phoenix.

*Oil and grease* means a measure of the total oil and grease content of a sample as determined by approved EPA methods or any other equivalent method as approved by the Water Resources executive director or designee.

*Oil and grease (TPH)* means a measure of the petroleum and mineral oil in total petroleum hydrocarbons of a sample as determined by approved EPA methods or other equivalent test method as approved by the division director of Water Resources or designee.

*Outside user* means any user outside the corporate limits of the City.

*Owner or builder* means a person who owns or leases real property within the City acting as a contractor in constructing any improvement upon the real property, which real property as improved, is held by such person for his use or for rental, lease, or sale purposes.

*Pass through* means a discharge which exits the POTW 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 any applicable NPDES permit, including an increase in the magnitude or duration of a violation.

*Penalty policy* means the policy established by the City's Water Resources Division to determine and calculate penalties for violations of the pretreatment requirements established in this article.

*Permit* means any required written authorization.

*Person* means any individual, partnership, firm, company, corporation, association, limited liability company, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

*pH* means a measure of the acidity or alkalinity of a solution, expressed in standard units.

*Plant* means any facility or process producing liquid wastes and which may be a source of discharge into the City's sewer system.

*Pollutant* means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, explosives, munitions, medical waste, chemical wastes, corrosive substance, biological material, biological nutrient, toxic substance, radioactive material, heat, wrecked or discarded equipment, rock, sand, slurry, cellar dirt, untreatable waste, or industrial, domestic, municipal or agricultural wastes and includes certain characteristics of wastewater (including, but not limited to, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means, except that dilution shall not constitute treatment or pretreatment unless allowed by an applicable pretreatment standard.

*Pretreatment requirement* means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user, and shall include BMPs related to pretreatment imposed on a user as may have been established pursuant to the laws or regulations of the United States, the State of Arizona, or the City, and conditions of a wastewater discharge permit.

*Pretreatment standard* means prohibited discharge standards, categorical pretreatment standards, and local limits established pursuant to the laws or regulations of the United States, the State of Arizona, or the City.

*Private septic tank system* means a septic tank or other system that is maintained by the property owner.

*Private sewer* means any wastewater collection system other than the POTW.

*Prohibited discharge standards* mean absolute prohibitions against the discharge of certain substances as set forth in section 49-161.

*Process wastewater* means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

*Public sewer* means a lateral, main or trunk sewer controlled and maintained by the City.

*Publicly Owned Treatment Works (POTW)* means a treatment works as defined by Section 212 of the Act which is owned by the City or another municipality and includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

*Public utility easement* means land, which by conveyance of easement is dedicated to the public for the City's ownership and maintenance of a utility line and associated appurtenances.

*Replacement costs* means those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the service 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* means a composite sample obtained by flow proportional sampling techniques. If the Water Resources Division determines that flow proportional sampling is not feasible, the sampling by time proportional composite or composites of grab samples will be allowed according to EPA requirements.

*Revenue* means, in general, additions to cash or other current assets that do not increase any liability of reserve, nor represent the recovery of an expenditure.

*Right-of-way* means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.

*Sample day* means any twenty-four (24) consecutive hours during which the sampled discharge is representative of the user's discharge.

*Sewage* means human excrement and similar matter from toilets and gray water.

*Sewer* means a wastewater conveyance or conduit system which carries sewage and/or non-domestic wastewater and to which stormwater, surface water, and ground water are not intentionally admitted.

*Sewer tap* means a wye or tee connected to a sewer.

*Sewer lateral* means a privately owned and maintained pipe extending from the public wastewater collection system to a building or residence for the purpose of discharging sewage into the public wastewater collection system.

*Sewerable area* means that property, or portion thereof, which may feasibly be drained by gravity by normal sewer construction, as determined by agreement between the City and the developer.

*Shall* is to be construed as mandatory.

*Significant industrial user (SIU)* means:

- (a) All users subject to categorical pretreatment standards.
- (b) All users that:
  - (1) Discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
  - (2) Contribute a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
  - (3) Are designated as such by the division on the basis that they have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (c) The City may determine that an industrial user subject to categorical pretreatment standards is a non-significant industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
  - (1) The industrial user, prior the City's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
  - (2) The industrial user annually submits the certification requirement required in 40 CFR § 403.12(q), together with any additional information necessary to support the certification statement; and
  - (3) The industrial user never discharges any untreated concentrated wastewater.
- (d) Upon a finding that a user meeting the criteria in subsection (b) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Significant Non-Compliance (SNC)* means a significant industrial user in violation of one or more of the following criteria or any other industrial user in violation of subparagraphs (c), (d), or (h):

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR § 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR § 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR § 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a permit, local control mechanism, or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations, which may include a violation of BMPs, which the division determines will adversely affect the operation or implementation of the local pretreatment program.

*Single-Family Residential* means one (1) dwelling unit is serviced by a single sewer tap in which only a single family typically resides and is connected to the sewer system.

*Slug load or slug discharge* means any discharge at a flow rate or concentration which could become a violation of the prohibited discharge standards in this article. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate this article, local limits, the Intergovernmental Agreement, or a POTW's permit conditions.

*Standard Industrial Classification (SIC)* means a classification pursuant to the "Standard Industrial Classification Manual" issued by the Executive Office of the President-Office of Management and Budget, as it may be revised from time to time.

*Storm drain* means a pipe conduit which carries storm and surface water and drainage, but excludes sewage and industrial wastes.

*Stormwater* means stormwater runoff, snow melt runoff, and surface runoff and drainage.

*Structure* includes but is not limited to each separate occupancy, residence, house, store, building or any construction or production or piece of work artificially built up or comprised of parts joined together in some definite manner and is connected to the sewer system.

*Total organic carbon (TOC)* means the total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved laboratory procedures.

*Total suspended solids (TSS)* means the total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquid and that is removable by filtration.

*Town of Paradise Valley* means the incorporated Town of Paradise Valley, Maricopa County, Arizona.

*Trunk sewer* means a sewer which receives sewage from many main sewers and serves as an outlet for a large territory.

*Unit of service* means each structure, group of structures, portion of a structure or real property which is connected to the sewer system.

*User* means any person, corporation, firm, municipality, owner, tenant, trustee, mortgagee, receiver or occupier of property which is connected to the sewer system.

*Wastewater* means treated or untreated liquid or water-carried non-domestic industrial wastes and/or sewage from residential dwellings or commercial, industrial or manufacturing facilities.



*Wastewater discharge permit* means the control mechanism issued to an industrial user and as provided for in sections 49-165 and 49-166.

*Wastewater treatment plant or treatment works* means that portion of the POTW which is designed to provide treatment of sewage and wastewater.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3586, § 1, 9-21-04, eff. 1-1-05; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4011, § 1(Res. No. 9017, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 1), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

**Editor's note**— Sections 3 and 4 of Ord. No. 4134 state: the provisions contained in § § 49-91, 49-99, 49-161—49-167, and 49-181—49-185 repealed by this ordinance will continue in full force and effect until August 1, 2014, but as of August 1, 2014, those provisions shall be considered repealed. However:

- (a) all violations of the repealed provisions which occur before their repeal may be fully prosecuted;
- (b) all permits issued under the repealed provisions shall remain valid for their stated term unless sooner terminated or amended pursuant to new sections 49-165 through 49-169 as adopted by this ordinance. The discharge prohibitions and limitations contained in new sections 49-161 through 49-163 will apply to all existing permits and users as of August 1, 2014. Except as provided above, the effective date of the ordinance is July 17, 2014.

Sec. 49-92. - Authority and administration.

- (a) The provisions of this article are the minimum requirements for the promotion of the public safety, health and general welfare.
- (b) The Water Resources Division is charged with the operation and maintenance of the POTW. The division shall enforce all regulations necessary for the safe and efficient administration of the POTW. The division shall ensure that all contractual obligations are met and will, from time-to-time, advise the City Council whenever the City contemplates entering into new agreements.
- (c) The Water Resources Division shall have the authority to establish quantity of discharges and effluent limitations for pollutants, sewage or any liquid that can be accepted into the POTW, and to specify those pollutants that are prohibited from entering the POTW.
- (d) The Water Resources Division shall have the authority to deny or condition new discharges or increased flows from existing discharges to the POTW.
- (e) The Water Resources Division shall have the authority to establish and collect fees for the maintenance, and operation of the POTW.
- (f) The Water Resources Division shall have the authority to establish special rates or credits for unusual or unique situations and such rates or credits shall be based upon the cost of the service provided or incurred.
- (g) The Water Resources Division shall have the authority to establish administrative penalties and access these penalties for violations of this article.

- (h) The Water Resources Division shall have the authority to develop and implement enforcement response and penalty policy plans to enforce this article.
- (i) The Water Resources Division shall maintain all public sewers.
- (j) All private sewers shall be maintained by the property owner.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4011, § 1(Res. No. 9017, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-93. - Pretreatment.

- (a) Any industrial user of the POTW shall be in compliance with all pretreatment requirements provided in this article.
- (b) Any industrial user of the POTW shall provide, at his expense, such pretreatment as may be necessary to meet any effluent limitations of this article.
- (c) The Water Resources Division will review, but not approve, plans and specifications for all pretreatment facilities. All pretreatment facilities will be reviewed by the City for compliance with building codes and all appropriate permits shall be obtained. Approval of plans and inspection by the City shall not relieve the industrial user from complying with the pretreatment requirements provided in this article.
- (d) The Water Resources Division will enforce federal pretreatment requirements as provided in 40 CFR Part 403.
- (e) Where pretreatment facilities are provided for any discharge, they shall be maintained continuously in satisfactory and effective operation by the industrial user at his expense. No industrial user shall have a discharge that is the result of a bypass unless: the bypass is unavoidable to prevent loss of life, personal injury or severe property damage; there is no feasible alternative to the bypass; or the bypass will not result in a violation of the pretreatment requirements provided in this article. The Water Resources Division must be notified in writing ten (10) days prior to a bypass and the bypass must be approved by the division. Emergency bypasses must be reported to the division immediately, and a written account of the bypass shall be submitted in the division within seven (7) days stating the reason for the bypass, the date, time, amount and nature of the discharge.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-94. - Unsanitary disposal prohibited.

It is unlawful to release on the ground or to any natural outlet, within the City, or upon any area under the jurisdiction of the City, any sewage, industrial wastes, human or animal excrement or other pollutants.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-95. - Interceptors.

- (a) Interceptors, such as grease, oil, or sand shall be provided by laundries, restaurants, service stations, auto repair shops, carwashes and other industrial users when, in the opinion of the Water

Resources Division interceptors are necessary for the proper handling of sewage containing oil and grease or sand or any flammable wastes. Such interceptors shall not be required for domestic users.

- (b) All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.
- (c) Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers. Covers shall be gastight and watertight.
- (d) Where installed, all interceptors shall be maintained by the industrial user, at his expense, in efficient operating condition at all times. 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 to the division director of Water Resources upon request.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3586, § 1, 9-21-04, eff. 1-1-05; Ord. No. 4011, § 1(Res. No. 9017, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-96. - Monitoring manholes.

When required by the City, the owner of any property served by a building sewer discharging any industrial wastes or that has the potential to discharge industrial wastes, shall install a suitable monitoring manhole or monitoring vault in the building sewer to facilitate observation, measurement and sampling of the industrial wastes. Such monitoring manhole or monitoring vault, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City. The monitoring manhole or monitoring vault shall be installed by the industrial user at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3586, § 1, 9-21-04, eff. 1-1-05; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-97. - Outside users.

All users and municipalities outside of the City limits which discharge to the POTW shall comply with all provisions of this article. Unless otherwise explicitly agreed, the City retains authority for full enforcement of this article against outside users.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-98. - Inspections.

- (a) Any authorized employee of the City shall, upon presentation of his or her credentials, have access at all reasonable hours to any user's premises for the purpose of making an inspection of the premises to determine compliance with this article.
- (b) Any industrial user or potential user shall allow all inspection, monitoring, copying of records, etc., reasonably needed by the City or its agent to perform the duties of this article.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

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Sec. 49-99. - Confidential information.

Unless otherwise determined by the City to fall within an applicable exception to disclosure laws, user information and data from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the division's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the division, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. Upon the user's request and demonstration that such information should be held confidential, the portions of the information which might disclose trade secrets or proprietary processes shall not be made available for public inspection but shall be made available immediately upon request to governmental agencies for uses related to enforcement proceedings involving the user furnishing the information, or pursuant to a court order. Wastewater constituents and characteristics and other effluent data as defined in 40 CFR 2.302 shall not be recognized as confidential information and shall be made available to the public without restriction.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4011, § 1(Res. No. 9017, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4134, § 2(Res. No. 9629, Exh. A, § 2), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

**Editor's note**— Sections 3 and 4 of Ord. No. 4134 state: the provisions contained in § § 49-91, 49-99, 49-161—49-167, and 49-181—49-185 repealed by this ordinance will continue in full force and effect until August 1, 2014, but as of August 1, 2014, those provisions shall be considered repealed. However:

- (a) all violations of the repealed provisions which occur before their repeal may be fully prosecuted;
- (b) all permits issued under the repealed provisions shall remain valid for their stated term unless sooner terminated or amended pursuant to new sections 49-165 through 49-169 as adopted by this ordinance. The discharge prohibitions and limitations contained in new sections 49-161 through 49-163 will apply to all existing permits and users as of August 1, 2014. Except as provided above, the effective date of the ordinance is July 17, 2014.

Sec. 49-100. - Interference with City employees.

No person shall interfere with City employees in any discharge of their duties.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-101. - Damage to POTW prohibited.

No user shall maliciously or willfully break, damage, destroy, deface or tamper with any part of the POTW.

(Ord. No. 2623, § 2, 12-20-93)

Sec. 49-102. - Users responsibility.

Except as otherwise described in Sec. 49-127, each user shall be responsible for cleaning, unstopping, maintaining and repairing the building sewer, service line and tap subject to the conditions of Section 49-127. Whenever the damage requires off-property excavation, the user or contractor shall obtain an encroachment permit to work in the public right-of-way.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3978, § 1(Res. 8871, § 1, Attach.), 12-6-11; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-103. - Distribution of POTW revenues and use of funds.

Funds shall be established for the proper distribution of POTW revenues. POTW revenues shall be allocated to the funds pursuant to the then applicable City Council resolution. The funds shall include but not be limited to the following:

- (1) System replacement and extension reserve.
- (2) Water and sewer utility reserve-reserve.
- (3) Sewer utility unreserved fund balance. The sewer utility unreserved fund balance shall be used for operational and maintenance expenses associated with the delivery of POTW services.
- ~~(4) Industrial cost recovery fund. One hundred (100) percent of industrial cost recovery revenues shall be allocated to the industrial cost recovery fund.~~

(Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Secs. 49-104—49-114. - Reserved.

DIVISION 2. - EXTENSIONS AND CONNECTIONS

Sec. 49-115. - Excavations and sewer connections.

No excavation shall be made in any street, alley or right-of-way under the jurisdiction of the City for the purpose of connecting to the POTW without complying with article III of chapter 47. No person shall fail or neglect to restore the street or alley or right-of-way to its original condition. No person shall uncover, make any connections with or opening into, use, alter, or disturb any sewer without complying with article III of chapter 47.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-116. - Connection to private septic tank system.

Where a public sewer is not available within the City, or any area under the jurisdiction of the City, the building sewer may be connected to a private onsite wastewater treatment system complying with all laws and regulations of the state, the county and the City. Such private septic tank systems shall be constructed, maintained and operated at all times in a sanitary manner. Construction, alterations and maintenance shall be performed in conformance with the county health code and other applicable regulations and only after obtaining necessary permits.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

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Sec. 49-117. - Connection to public sewer from private onsite wastewater treatment system.

If a public sewer is available to the property, the building sewer of all structures located on the property shall be connected to the public sewer in accordance with the provisions of this article and the City's plumbing code and shall include all required extensions of the public sewer system as described in article V if any one (1) of the following occurs:

- (1) Construction of a new building; or
- (2) Building modifications or additions of fifty (50) percent or more by square footage; or
- (3) The county denies a septic permit.

If the existing onsite wastewater treatment system fails or requires modification, and a public sewer exists along any frontage of the property, the building sewer of all structures located on the property shall be connected to the public sewer in accordance with the provisions of this article and the City's plumbing code and shall include all required extensions of the public sewer system.

After connection to the public sewer system, any private onsite wastewater treatment system located on the property shall be abandoned according to county requirements.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3440, § 2, 6-3-02; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 3978, § 1(Res. 8871, § 1, Attach.), 12-6-11; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-118. - Private sewers, connection to public sewers.

- (a) Private sewers may be installed at the developer's discretion in multifamily residential developments. Private sewers shall not be installed in a public utility easement or right-of-way except to connect to a public sewer.
- (b) Private sewers shall be installed within all non-subdivided commercial or industrial properties. Private sewers shall not be installed within a public utility easement or right-of-way except to connect to a public sewer.
- (c) Where a private sewer connects to a public sewer, the connection shall be made at a manhole or wye connection located within a public utility easement or public right-of-way. The sewer line, including any applicable wye connection, is considered private until it enters the manhole or the public sewer in the public right-of-way. The City will maintain the manhole and all public sewers within a public utility easement or right-of-way.
- (d) Two (2) or more buildings located on the same parcel or on contiguous lots under different ownership may be provided service through one (1) or more private sewer lines provided:
  - (1) There is an established, incorporated association or management firm which is responsible for payment of the sewer service charge; and
  - (2) Each parcel or lot has a City-owned sewer line frontage on at least one (1) side of each parcel or lot; and
  - (3) The association or management firm does not charge a fee to connect individual parcels to a private sewer line.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3178, § 12, 10-5-98; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-119. - Public sewer extensions in new subdivisions.

In new subdivisions where public sewer extensions are authorized by the City and constructed at the subdivider's expense, the City may authorize the subdivider or his agent, to install building connections with wyes and connect the building sewers to the City sewer in accordance with the following provisions:

- (1) The construction of the public sewer and connections of the building sewers to the POTW shall be under the supervision of a registered civil engineer holding registration in the state, who shall submit "as-built plans" bearing the registered civil engineer's registration number and seal, to the City. The registered civil engineer employed by the subdivider shall require that all sewer taps serving lots in the subdivision upon which no buildings are constructed, be effectively sealed until such time as buildings are to be constructed on the lots left vacant. Such sealed connections shall be inspected and approved by the City engineer before being backfilled and shall be designated as the "as-built plans." The effective seal shall consist of a vitrified clay stopper, inserted in the bell of the sewer extending to the property line in the alley or to the curblin in the street from the public sewer. The stopper shall be permanently flagged by attaching one (1) end of a length of copper wire to the stopper and the other end to a broken piece of clay pipe, which shall be placed under the soil surface directly over the end of sewer pipe.
- (2) Before any building sewer construction is commenced, permits shall be obtained by the subdivider or his agent, from the City.
- (3) When the "as-built plans" are submitted to the City, the City shall make a record of the building sewer construction.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-120. - Approval of the sewer system construction.

The City must approve the design, engineering, and construction of all building sewer connections provided for under this article.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-121. - Record of building connection.

The Water Resources Division shall supply to the utility billing office a record of connection and sewer user code for each new user of the City sewer system. The department director of business services shall keep or cause to be kept a complete record of all users and their addresses.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-122. - Plans and specifications; encroachment permit; dedication.

- (a) Developers or owners extending public sewers shall have all plans and specifications for such extensions prepared by a professional engineer who is registered in this state. Such plans and specifications shall be in accordance with standards set by the City.

- (b) A developer or owner, tapping into or extending public sewers shall receive an encroachment permit from the City prior to the initiation of any work. Plans and specifications for tap-ins for extensions are required exhibits to be attached to applications for encroachment permits.
- (c) Extensions to the public sewers which are constructed in the City right-of-way or a public utility easement shall become the property of the City upon final acceptance.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-123. - Payment of connection charges and deposits.

Any required connection charge shall be paid at the time the application for such connection is made, and any required deposit shall be paid at the time the application for the connection is made.

(Ord. No. 2623, § 2, 12-20-93)

Sec. 49-124. - Sewer development fees.

- (a) Sewer development fees shall be paid pursuant to section 49-74 of this article. Except that, for users located within the Town of Paradise Valley, development fees shall be paid according to that certain Intergovernmental Agreement No. 980154 between the City and the Town of Paradise Valley effective November 30, 1998, as it may be amended from time to time.
- (b) The City has no obligation to provide sewer service or reserve sewer capacity for users outside of the City's service area. However, where the sewer system has sufficient capacity to permit additional connections to be made, the City may allow connections, and/or enter into agreements with governmental entities or private parties guaranteeing reserve capacity. The reserve capacity fee shall be the product of the user's peak daily sewage flow in gallons, such flow to be multiplied by the applicable "O & M User" and "Other Charges" provisions, or any combination thereof, as set forth in Article IV, Division 3, Section 49-141(g) of this Chapter, and as may be determined from time to time by City staff and approved by the City Council. This fee will be collected in addition to the sewer development fee. All sewer users within the area of the entity entering into the aforementioned agreement shall pay the reserve capacity fee. The City shall collect this fee directly from the sewer user before connection to the City sewer system can be made, unless other arrangements are made in the aforementioned agreement.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 2662, § 2, 6-20-94; Ord. No. 2782, § 2, 6-5-95; Ord. No. 2927, § 1, 10-14-96; Ord. No. 3216, § 1, 2-1-99; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-125. - Verification of sewer connection.

Upon request, the City shall issue a letter verifying a sewer connection. A dye/smoke test shall be made in all cases where there is not evidence of a connection on file.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-126. - Disconnection of a condemned or uninhabitable building.

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The owner of a structure that has been condemned may request in writing, to the City, that the structure be disconnected from the POTW.

If the City or county health department determines that a structure is unsanitary or not fit for human habitation, the structure shall be disconnected from the POTW. The Water Resources Division will affect the disconnection and notify utility billing to discontinue billing for sewer service. The owner of the structure will be charged for the disconnection on a time and materials basis, payment to be made with a thirty (30) days of disconnection.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-127. - Building sewers and ~~service lines~~ sewer laterals.

Building sewers and ~~service lines~~ sewer laterals are private up to and including the tap on the public sewer and are to be owned and maintained by the property owner or the property's association or management firm except as otherwise described below. Building sewers and ~~service lines~~ sewer laterals shall not be installed in a public utility easement or right-of-way except to directly connect to a public sewer.

- a) *Obstructions:* ~~The account holder User~~ is responsible for determining the location and cause of any obstruction that results in a blockage in the building sewers and ~~service lines~~ sewer laterals and for obtaining repair estimates to clear the lines. ~~The City will may require video documentation by account holder to provide proof that attempts to clear the obstruction have been performed. This is required to supporting any City services requested in paragraphs b) 1 and b) 2 below. These costs shall be the sole responsibility of the user~~ account holder.
- b) *Residential ~~service lines~~ sewer laterals:*
  - 1) If an obstruction occurs within that portion of a building sewer or ~~service line~~ sewer lateral located within the right-of-way or public utility easement, and is due to physical failure of the pipe material, structural deficiency, or separation of a joint not caused by root intrusion sags or discharged waste, the City may repair that portion of the pipe at no additional cost to the user. Any disputes regarding location of the obstruction and/or the corrective action taken will be at the sole discretion of the division director of Water Resources.
  - 2) If the obstruction occurs within that portion of a building sewer or ~~service line~~ sewer lateral located within the right-of-way or public utility easement, and is due to root intrusion, sags or discharged waste, the account holder may request the City or its contractors to take corrective action to unstop the pipe; provided, however, such request shall constitute the account holder's agreement for the City to charge the account holder the actual cost to perform the services requested. In all such cases the person requesting service shall receive itemized billing for any work performed pursuant to this paragraph.
  - 3) If the obstruction, pipe failure, or joint separation occurs on private property, the owner or account holder shall be responsible for all corrective action and associated cost to clear the obstruction and repair or replace the building sewer or ~~service line~~ sewer lateral.
  - 4) Funding for services provided by the City will be annually budgeted, as approved by City Council. Funds will be used on a first-in basis. If annual funding becomes exhausted, corrective services by the City will be suspended until City Council approves additional funding. The City will not make any reimbursement for any services paid for by the user.
- c) ~~Commercial/Industrial and Non-Residential and All all other building sewers~~ laterals and service lines: The user, account holder, owner or property management association shall be responsible for the cleaning, unstopping, repair, and/or replacement of building sewers and ~~service lines~~ sewer lateral up to and including the connection to the public sewer main and all associated costs.

(Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07/11-3-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Secs. 49-128—49-140. - Reserved

### DIVISION 3. - USER RATES AND CHARGES

Sec. 49-141. - Rates and user charges.

- (a) There is established a system of rates or user charges for the treatment of sewage and use of the POTW in conformance with rules and regulations set forth under Public Law 95-217.
- (b) Rates established by the Water Resources Division may be adopted by the City Council upon determination of the cost. The City shall maintain sufficient reserves to ensure adequate funds for any reasonable variations in the cost of and demand for service.
- (c) The rate schedules presented to the council for adoption shall be based upon the following factors:
  - (1) The total costs of treating sewage under contract with the City of Phoenix including salaries and benefits, applicable operating expenses, including parts, materials and services incurred in providing sewer service, minus any sale of sewage by-products by the City of Phoenix for the City.
  - (2) Applicable equipment replacement costs necessitated by the provision of sewer service.
  - (3) The cost of membership in the subregional operating group for planning and administration.
  - (4) The total direct costs of the City which are allocable to POTW administration, maintenance and repair.
  - (5) Appropriate indirect costs of the City in rendering sewer related services such as purchasing, accounting, billing and administration.
  - (6) Annual debt service charges for the retirement of sanitary sewer bonds.
  - (7) Revenue requirements necessary for the operation of the City as determined by the City Council.
  - (8) POTW capital expansion needs not covered by development fees.
  - (9) Any sale of sewage by-products by the City shall first be deducted from the total cost of treating sewage.
  - (10) The O & M user charge shall consist of direct operating and maintenance costs including capital replacements, citywide indirect costs, franchise fees, billing and collection. The Capital and other user charge shall consist of debt service, non-replacement capital and adjustment to cash reserves.
- (d) Rates shall be established through the adoption of an ordinance by the City Council.
- (e) The user charge portion of the total sewer charge shall be developed by the use of the following user charge formula:

Cu	=	VcVu + BcBu + ScSu + AcAu, when:
Cu	=	User's charge per unit of time.



Vc	=	O & M cost for transportation and treatment of a unit of waste volume (million gallons)
Vu	=	Volume contribution from a user per unit of time.
Bc	=	O & M cost for treatment of a unit (lb) of chemical oxygen demand (COD).
Bu	=	Total COD contribution from a user per unit of time.
Sc	=	O & M cost for treatment of unit (lb) of suspended solids (SS).
Su	=	Total suspended solids contribution from a user per unit of time.
Ac	=	Unit cost for processing and billing each account.
Au	=	Total accounts for the user or class of user.

- (f) The Water Resources Division shall review at least every two (2) years the financial management system that will accurately account for the sewage contribution of users and user classes, revenue and expenditure by O & M and capital accounts for the total costs of operation and maintenance of the POTW, and its approved user charge system.

The Water Resources Division shall revise the charges for users or user classes to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the POTW; and
- (3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

The City shall maintain an accounting system that will maintain separate revenue and expenditure funds for sewage operation and maintenance and all other sewage funds. The operation and maintenance fund shall have two (2) accounts, one (1) for operation and maintenance and one (1) for replacement.

Each user will be notified at least annually, in conjunction with a regular bill, of the sewer user charge rate and that portion of the bill attributable to operation, maintenance and replacement costs for sewer service. The sewer user charge system as set forth in this article shall take precedence over any terms or conditions of agreements or contracts between the City and users which are inconsistent with the requirements of Public Law 95-217 and federal regulations issued pursuant thereto.

- (g) There shall be charged the following sewer user charge for customers receiving City sewer service inside the limits of the City. These sewer charges shall be imposed on all properties connected to the sewer or where the sewer is available commencing on the date of original occupancy or after final clearance where water is being provided and will continue whether property is occupied or

unoccupied. Charges for first and final bills with billing periods more or less than one (1) month shall be prorated.

(h) The division director may authorize credits for paperless or other automated billing methods as an incentive to reduce the Division's billing costs.

(1) Effective July 1, ~~2018~~ 2019, user charges, based on in-building water use, are:

User Classes/Classifications/Category	User Code	Charge per 1,000 Gallons		
		O & M	Capital & Other	Total
Single-Family Residential	11	\$ 1.167	\$ 1.4850	\$2.647
Multi-Family Residential	12	\$ 1.167	\$ 1.4850	\$ 2.647
Commercial without dining	21	\$ 1.156	\$ 1.4951	\$ 2.647
Commercial with dining	22	\$ 1.702	\$ 1.824	\$ 3.526
Hotels, motels without dining	23	\$ 1.245	\$ 1.646	\$ 2.891
Hotels, motels with dining	24	\$ 1.6971	\$ 1.835	\$ 3.526
Carwashes	25	\$ 1.078	\$ 1.546	\$2.614
Commercial Laundry	26	\$ 1.478	\$ 1.702	\$ 3.1720
Laundromats	28	\$ 1.0910	\$ 1.557	\$ 2.647
Metal Platers	29	\$ 1.323	\$ 1.5961	\$ 2.914
Restaurants, Bakeries	30	\$ 2.413	\$ 2.514	\$ 4.927
Service station auto repair	32	\$ 1.178	\$ 1.479	\$ 2.647
Medical Institutes	40	\$ 1.112	\$ 1.535	\$ 2.647
Schools	50	\$ 1.089	\$ 1.568	\$ 2.647

Non Compliant	99	See below	See below	See below
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Non Compliant: Once a customer is designated as non compliant, the then current O & M and Other Charges will be adjusted by one hundred fifty (150) percent for a minimum period of six (6) months.

- (2) *Non-uniform discharger, large volume and industrial user charges* shall provide for a customized user rate which will reflect variations in discharge quality and quantity and recover the cost of rendering sanitary sewer service for the year during which charges shall be in effect.
- (3) In addition to O & M user charges and other charges, all sewer users shall pay a base fee for all customer classes as follows:

Meter Size	Base Fee
5/8 Inch	<del>\$ 3.50</del> <u>\$3.75</u>
¾ Inch	<del>\$ 3.50</del> <u>\$3.75</u>
1 Inch	<del>\$ 33.50</del> <u>\$37.50</u>
1.5 Inch	<del>\$ 21.00</del> <u>\$22.50</u>
2 Inch	<del>\$ 49.00</del> <u>\$52.50</u>
3 Inch	<del>\$ 63.00</del> <u>\$67.50</u>
4 Inch	<del>\$ 92.00</del> <u>\$99.00</u>
6 Inch	<del>\$ 175.00</del> <u>\$187.50</u>
8 Inch	<del>\$ 245.00</del> <u>\$262.50</u>

For wastewater customers not served by the City's municipal water system and where customer information is not provided by the utility providing such water service, the City will assume a one-inch meter for residential customers. For ~~e~~Commercial/~~i~~Industrial and ~~n~~Non-~~R~~esidential users, the Water Resources Division will estimate the meter size based upon similar sized ~~e~~Commercial/~~i~~Industrial and ~~n~~Non-~~R~~esidential customers in the same user class as determined by the division.

(h) All customers located outside the City limits who are provided sewer service by the City shall pay at a rate determined by the Water Resources Division and approved by the city council.

(1) For the Town of Paradise Valley, the initial rate shall be established by estimating the total charge which would be paid to the City if all users were located within the City. The base user charge payable monthly by the town shall be computed as follows:

(i) For ~~Single-Family~~ residential and ~~Multi-Family~~ residential town system users, the charge shall be as specified in subparagraph 49-141(j)(1); in addition to the base rate, town system users will be charged a fee for extra collection maintenance as specified in subparagraph 49-141(h)(3) below, and

(ii) For ~~e~~Commercial/~~i~~Industrial and ~~n~~Non-~~r~~Residential town system users, the charge shall be based upon the charges paid by similar users located within the City as specified in subparagraph 49-141(j)(2). In addition to the base rate, town system users will be charged a fee for extra collection maintenance as specified in subparagraph 49-141(h)(3) below.

(2) For all others, if the customer fits into a standard classification as listed in subsection (i), the base rate shall be the total sewer rate charged the same classification inside the City. If the outside City customer's sewage has flow or strength characteristics which vary from the in City customer, the City shall assign the customer to a subclass. In this case the inside City rate shall be multiplied by a proportionality constant with accounts for the varying waste characteristic. This modified rate shall then be the base rate.

(3) If the outside City customer's collection system is more expensive to maintain than the in City customer's, due to factors such as longer travel distances or other collection system characteristics, the extra costs, as determined by the City, shall be recovered by the City, adding an extra collection maintenance charge of up to fifteen (15) percent applied to the base rate, O & M and capital charge as described above, unless otherwise prohibited by law. For town system users located within the Town of Paradise Valley, the extra charge shall be ten (10) percent of the charge computed in subparagraph 49-141(h)(1) above.

(4) If the outside City customers elect to participate in orderly expansion of treatment facilities with the City by the use of sewer fees, the City with the City Council's approval, may allow such use of the sewer fee.

(i) The Water Resources Division shall establish sewer user charges and rates based upon the following classes:

User Code	User Classes/ Classifications/Category
11	Single- <del>f</del> Family residential
12	Multi- <del>f</del> Family residential
21	Commercial without dining: General offices, retail stores (nonfood), markets (no food service), warehousing, light manufacturing, bars (no food service), public buildings, churches, clubs, lodges (no food service), medical offices, and veterinary offices
22	Commercial with dining: Any of the above that have dining facilities or bakery

23	Hotels, motels, boarding or rooming houses without dining facilities
24	Hotels, motels, boarding or rooming houses with dining facilities
25	Carwashes
26	Commercial laundries
28	Laundromats
29	Metal platers
30	Restaurants, bakeries
32	Service stations, garages, auto dealers, auto repair
40	Medical institutions
	1) Hospitals
	2) Nursing homes
50	Schools
60	Non-uniform discharger, large volume and industrial process waste discharger
99	Non compliant

For any mixed-use development: 1) If the development contains no food service establishments, then the development shall be categorized based upon the sewer concentration user classification. 2) If the development contains food service establishments, then: a) if less than twenty-five (25) percent of the concentration of the development is attributable to food service establishments, the development will be categorized as commercial without dining; b) if the concentration of the development attributable to food service establishments is between twenty-five (25) percent and seventy-five (75) percent, the development will be categorized as commercial with dining; and c) if the concentration of the development attributable to food service establishments exceed seventy-five (75) percent, the development shall be categorized as a restaurant.

In no event will the development be categorized higher than the highest user classification concentration present in the mixed-use development.

The Water Resources Division may assign users to one (1) of the classes or subclasses above. The division shall establish subclasses as appropriate or necessary for effectively distributing costs among user classes. A customer may appeal any classification decision made by the city under this subsection by filing a sewer classification appeal form with the division within ten (10) days after the date of the classification decision. Supporting documentation for reclassification must be preapproved by the division prior to analysis. Supporting documentation may include substantial engineering data and/or laboratory analysis reports submitted at the customer's expense. The division may establish a fee to recover the actual cost of investigating a sewer classification dispute and the fee is due when the appeal is submitted. A sewer classification appeal form can be obtained by contacting the division. The appeal shall be heard by the division director of Water Resources or designee. The appeal will be informal and will not be subject to the Rules of Evidence. Testimony will not be taken under oath and subpoenas for the production of evidence or witnesses will not be issued. The decision of the division director of Water Resources or designee shall be final.

(j) The determination of sewage quantity shall be as follows:

- (1) For ~~Single-Family~~ residential and ~~Multi-Family~~ residential customers, quantity will be measured by a determination of the in-building water use. The in-building water use shall be determined by the Water Resources Division for each residential account by taking ninety (90) percent of the accounts' average winter water consumption for December, January, and February of the prior fiscal year. When two (2) or more residential users share a water meter in common, it will be the responsibility of those residential users sharing the common meter to share the costs among themselves.

If the Water Resources Division determines that adequate water meter information is not available for billing a residential customer as described above, the customer will be charged a bill estimated on the basis of in-building water used by a similar sized residential or multi-family residential customer in the same user class as determined by the division.

If the Water Resources Division determines that a significant amount of water was used during the winter months for lawns, shrubbery or other non-sewer purposes, a corresponding adjustment in the sewer billing may be granted.

- (2) For ~~eCommercial/iIndustrial~~ and ~~nNon-rResidential~~ users, quantity will be measured by a determination of the in-building water use. The in-building water use shall be determined by the Water Resources Division for each ~~eCommercial/iIndustrial~~ and ~~nNon-rResidential~~ user by taking ninety (90) percent of the account's average winter water consumption for December, January, and February of the prior fiscal year. When two (2) or more ~~eCommercial/iIndustrial~~ and ~~nNon-rResidential~~ users share a water meter in common, the service charge will be billed at the regular rate to the user billed by the water supplier. It shall be the responsibility of the users sharing the water meter to share the costs among themselves. In cases where the division determines that a sewer user's discharge pattern is too erratic, the division may authorize a rate based on a metered water use, modified by the appropriate outside use factors, instead of a single in-building water use determination.

If the Water Resources Division determines that adequate water meter information is not available for billing a ~~eCommercial/iIndustrial~~ and ~~nNon-rResidential~~ customer as described above, the customer will be charged a bill estimated on the basis of in-building water used by a similar sized ~~eCommercial/iIndustrial~~ and ~~nNon-rResidential~~ customer in the same user class as determined by the division.

If the Water Resources Division determines that a significant amount of water was used during the winter months for lawns, shrubbery or other non-sewer purposes, a corresponding adjustment in the sewer billing may be granted.

- (3) For industrial and large volume users, quantity will be metered as it enters the POTW. Installation of metering facilities will be approved as to number, size and location by the Water



Resources Division. The costs of installation and annual calibration shall be the user's responsibility. Results of calibration shall be reported in writing to the division. The division shall furnish a list of licensed manufacturers and equipment testers capable and approved to perform this service, and their reports will be accepted by the division. The billings will also be adjusted where it can be estimated through past records, the amounts either over or under actual flows which were billed.

Each industrial and large volume user customer will be considered as a separate user class and the Water Resources Division shall determine the individual factors to be applied to the monthly water meter reading to determine sewage flow.

To determine the monthly sewage flow, annual checks of these factors will be made and, if necessary, the factors will be changed annually.

For wastewater customers not served by the City's municipal water system where customer use information is not provided by the utility providing water service, the customer will be charged a wastewater volume based on the estimate of the in-building water used by a similar customer in the same user class, as will be determined by the division.

- (4) Upon approval of the Water Resources Division, industrial and large volume users may, at their own expense and subject to the regulations of the division, install a separate meter in order to determine the quantity of water actually entering the sewer system and future sewer charges shall be limited to that water actually entering the POTW as so determined by the division.
- (k) A customer may appeal a sewer charge determination made by the City under this subsection by filing a "Water Resources Sewer Adjustment Form" with the Water Resources Division on or before September 30 of each year. A customer appealing a sewer charge determination must allege on the Sewer Usage Fee Adjustment Form that a sufficient portion of their water usage does not enter the POTW or that they have been improperly classified. If the division determines that a significant amount of water use was used for lawns, shrubbery or other non-sewer purposes, or that the user is improperly classified, appropriate sewer billing adjustments will be made, subject to the limitations specified in section 49-145. In the event that an adjustment is necessary to a water billing due to a reading error, malfunctioning meter or other just cause as determined by the division and sewer user charges were based on the unadjusted consumption, the division shall adjust the sewer user charge to correspond to the adjusted water consumption. The appeal shall be heard by the division director of Water Resources or designee. The appeal will be informal and will not be subject to the Rules of Evidence. Testimony will not be taken under oath and subpoenas for the production of evidence or witnesses will not be issued. The decision of the division director of Water Resources or designee shall be final. Water Resources sewer adjustment forms will not be accepted after September 30 for the current year.
- (l) A proportionate charge shall be made to all users that discharge sewage, either directly or indirectly, into the POTW. Such charges shall be based on the rate schedules issued pursuant to the above subsections. In addition, each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the POTW shall pay for such increased costs.
- (m) All ~~Single-Family~~ and ~~m~~~~Multi-Family~~ residential users will be assessed as having sewage of normal strength. Quality will be monitored for this class to determine sanitary waste strength. Quality will be monitored wherever a unique situation is found to exist. For all other users, surcharges for industrial loadings will be determined through testing and sampling procedures. The Water Resources division shall monitor large users and industrial quality through a sampling program for all large users and industrial users. Certified statements from users will be utilized to supplement the data and in settling any differences in the estimated strength allowable to that user, where it is so desired. Test sampling will be made by direct sampling utilizing recognized field techniques. If the division determines that the standard BOD test is not representative of a particular user, a TOC or COD test may be substituted.

Any change in the processes employed by a user contributing industrial wastes which results in a variation of more than twenty-five (25) percent in one (1) or more of the effluent loading concentrations shall be reported to the Water Resources Division within thirty (30) days of the change. If it is determined through testing that a significant variation exists between user's certified data and the discharge characteristics monitored by the division, the division may adjust the sewer use charge based on the monitored data from the original date of certification, unless written communication has occurred notifying the division of changes in loading and giving specific dates of changes.

Where sampling and gauging of a specific user is not practical for physical, economic, safety or other reasons, the Water Resources Division may designate values for concentrations of the wastes discharged into the POTW for all users in the same standard industrial classification or sub-classification.

Additionally, applicable privilege and other taxes will be added to any charges for this section.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 2661, § 9, 6-6-94; Ord. No. 2781, § 5, 6-5-95; Ord. No. 2841, § 4, 10-16-95; Ord. No. 2906, § 3, 6-4-96; Ord. No. 3013, § 3, 6-2-97; Ord. No. 3149, § 3, 7-6-98; Ord. No. 3216, § 1, 2-1-99; Ord. No. 3227, § 3, 6-1-99; Ord. No. 3370, 6-11-01; Ord. No. 3439, § 1, 5-20-02; Ord. No. 3503, § 1, 5-19-03; Ord. No. 3568, § 1, 5-17-04; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 3671, § 2, 5-15-06; Ord. No. 3729, § 2, 5-22-07; Ord. No. 3785, § 2, 5-20-08; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4011, § 1(Res. No. 9017, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4203, § 1(Res. No. 10113, § 1, Exh. A), 6-2-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

~~Sec. 49-142. - Application for domestic sewer service for an existing unit of serviceAdministrative account establishment fee.~~

(a) This section shall not apply to sewer users located within the Town of Paradise Valley.

~~(b) Before establishing domestic sewer service to an existing unit of service, the user thereof shall make application for service to the City. The application shall set forth:~~

- ~~(1) User's name, address, telephone number and social security number;~~
- ~~(2) Name, address, telephone number of person responsible for water billing, if other than user;~~
- ~~(3) Name, address, telephone number of property owner;~~
- ~~(4) The official street address assigned to the property;~~
- ~~(5) Such other information as the department director of business services may deem necessary for the purpose of billing and collection;~~

~~(c) Domestic sewer service shall not be established to any property unless the application is completed and all charges against the property of any nature whatsoever due and payable to the City under any City ordinance have been paid. This includes any deposits that may apply.~~

~~(d) Any delinquent amounts owing on existing or prior accounts must be paid when a property owner or tenant applies to open another service account. Failure to pay the delinquent amount owing on a prior account or accounts constitutes grounds for the City to refuse new service.~~

~~(e) In the event that service at a new location is initiated prior to the preparation of a current billing statement for another City account held by the same person or persons or becomes delinquent after the initiation of service at the new location, the amount due or delinquent shall be added to the amount due on the new account. In the event that the account holder or holders fail(s) to pay in full both the transferred amount and the present charges by the delinquent date of the statement on which the transferred amount appears, service on the new account shall be subject to termination in accordance with section 49-148, below.~~

- (f) ~~Domestic sewer account holders shall notify the City of any change in mailing address, occupancy, or ownership within fifteen (15) days after such change occurs. Failure to contact the City may result in penalties or late charges, which shall be the responsibility of the account holders.~~

~~Notwithstanding any of the fees specified in this section, nothing shall prohibit the City from charging the property owner, account holder, or potential account holder, the actual cost to perform the account updates. In all such cases the person requesting service shall receive itemized billing for any amounts due above any service charge paid pursuant to this section.~~

- (b) ~~Each sewer user shall be assessed an administrative account establishment fee of twelve dollars (\$12.00) at the time of application for sewer service. This fee shall be charged on the first statement for service. The fee shall be due and payable in accordance with section 49-144.~~
- (eg) In the absence of a request by the property owner to do so, the customer service department shall place a service account in the property owner's name when it is known or reasonable to believe that a tenant of the property, or other person previously receiving service, is no longer receiving service.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3216, § 1, 2-1-99; Ord. No. 3440, § 2, 6-3-02; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13)

Sec. 49-142.2. - ~~Application for service~~Administrative account establishment fee.

- (a) This section shall not apply to sewer users located within the Town of Paradise Valley.
- (b) ~~Each sewer user shall be assessed an administrative account establishment fee of twelve dollars (\$12.00) at the time of application for sewer service. This fee shall be charged on the first statement for service. The fee shall be due and payable in accordance with section 49-144.~~
- (c) ~~In the absence of a request by the property owner to do so, the customer service department may place a service account in the property owner's name when it is known or reasonable to believe that a tenant of the property, or other person previously receiving service, is no longer receiving service.~~
- (b) ~~A person who applies for water service pursuant to section 49-22 of this Code shall also make application for services pursuant to this article at the same time. In such cases, all of the provisions of section 49-22 shall be applicable to services provided pursuant to this article.~~

(Ord. No. 2814, § 6, 9-18-95; Ord. No. 3216, § 1, 2-1-99; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-143. - Deposits.

- (a) This section shall not apply to the Town of Paradise Valley.
- (b) Deposits shall be required of all users who are not served by City water, except as otherwise provided by this section. The required deposit shall be billed and paid as a part of the first monthly utility bill. The deposit shall be in accordance with either subsection (c) or (d) of this section, as applicable. Failure to pay the required deposit on or before the delinquency date for the first monthly utility bill may result in the immediate termination of service as provided in section 49-54148.
- (c) If a one-year billing history is available, and the type of use is the same or similar, the deposit will be equal to the average two-month charge.
- (d) If a one-year billing history is unavailable, the deposit will be equal to the annual average two-month charge based on standard industrial codes (SIC) as established by the City for the same or similar property uses.

- (e) Deposits shall not be required of tenant ~~account holders~~, who have: (1) previously had service accounts with the City of Scottsdale for a period of at least twelve (12) months, within the twenty-four (24) month period immediately preceding the application for new service, and (2) had no more than two (2) payment delinquencies within the most recent twelve-month (12) period of service. "Payment delinquency" means that the City has not received a required payment in a timely manner, resulting in an outstanding balance being shown on the next billing. Prior service under this subsection may be established either by records maintained by the City or provided by the applicant.
- (f) Deposits ~~are shall~~ not be required ~~at the time of application before for a service account is provided~~ from ~~s~~Single-Family residential property owners who provide adequate proof of ownership as determined by the department director of business services. However, upon default of the payment by the property owner for any sewer service or other City utility services received, a deposit pursuant to the applicable schedule shall be required for all premises owned by the property owner served by City utilities where the property owner is being billed for the utilities.
- (g) Required deposits ~~bearing no interest shall be held by the City~~. If the user's utility bills remain current for ~~one (1) year~~twelve (12) consecutive months, the amount of the deposit shall be credited ~~against to the first billing following the one (1) year~~twelve (12) month period, or the deposit shall be credited ~~to the account holder's on the user's final bill, whichever comes sooner.~~
- ~~(h) The Division Director may authorize credits as an incentive to reduce division billing costs.~~

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 2814, § 7, 9-18-95; Ord. No. 3216, § 1, 2-1-99; Ord. No. 3613, § 2A, 5-17-05; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-144. - Reserved.

**Editor's note**— Ord. No. 2814, § 8, adopted Sept. 18, 1995, repealed former § 49-144, which pertained to due date, person responsible, and disputed bills.

Sec. 49-145. - Limitation on adjustments.

Adjustment of amounts owed or credits due under this article shall be limited to a period of three (3) years from the date of the most recent billing by the City. However, the division director or designee of Water Resources may extend the period when necessary to ensure that charges for sewage service are just and reasonable in conformity with state statutes.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4011, § 1(Res. No. 9017, Exh. A), 5-15-12, eff. 7-1-12; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4380, § 1, 12-11-18)

Sec. 49-146. - Assessment of late charges.

This section shall not apply to sewer users within the Town of Paradise Valley.

A late charge shall be assessed on any unpaid balance for charges made pursuant to this article in accordance with the provisions of section 49-53.1.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3216, § 1, 2-1-99; Ord. No. 3849, § 2, 5-19-09)

Sec. 49-147. - Reserved.

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**Editor's note**— Ord. No. 2814, § 8, adopted Sept. 18, 1995, repealed former § 49-147, which pertained to discontinuance of water and/or sewer service for delinquency.

Sec. 49-148. - Billing; termination of service; hearing; lien for unpaid charges.

- (a) This section shall not apply to sewer users located within the Town of Paradise Valley.
- (b) For all other delinquent accounts, the provisions of section 49-54 of this Chapter shall be applicable to the user rates and charges set forth in the Division 3.
- (c) In the event that sewer services are terminated pursuant to this subsection, the account holder shall pay a charge of five hundred dollars (\$500.00), together with any other charges which are due and owing to the City under any City ordinance, prior to the re-establishment of sewer service. Notwithstanding any of the fees specified in this section, nothing shall prohibit the City from charging the property owner, account holder, or potential account holder, the actual cost to terminate services. In all such cases the person requesting service shall receive itemized billing for any amounts due above any service charge paid pursuant to this section.

(Ord. No. 2814, § 8, 9-18-95; Ord. No. 3216, § 1, 2-1-99; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4380, § 1, 12-11-18)

**Editor's note**— Ord. No. 2814, § 8, adopted Sept. 18, 1995, repealed former § 49-148, which pertained to lien for unpaid charges, and added a new § 49-148 to read as herein set out.

Sec. 49-149. - Other collection remedies.

- (a) Any charges imposed by this article, if not paid by the due date specified in section 49-52 may also be collected by a civil action, instituted in the name of the City by the City Attorney at the request of the City at any time after the charge becomes delinquent, notwithstanding any other provisions to the contrary.
- (b) In addition to the late charges specified in section 49-146, the City may recover all costs of litigation and collection including a reasonable attorney's fee.
- (c) The City may assign late charges to a bona fide collection agency for collection.
- (d) The remedies provided by this section shall be cumulative and supplemental to other remedies provided by provisions of this article.

(Ord. No. 2623, § 2, 12-20-93; Ord. No. 3671, § 2, 5-15-06; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-150. - Pay stations.

The City may designate certain private establishments as authorized City sewer services payment stations, in the capacity of limited agents, for the purpose of collecting any such charges. Payment stations so designated shall be required to perform pay station functions in accordance with rules and regulations issued by the City and shall be paid a collection fee, to be established by mutual agreement, for the faithful performance of these functions.

(Ord. No. 2623, § 2, 12-20-93)

Secs. 49-151—49-160. - Reserved.

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#### DIVISION 4. - INDUSTRIAL USERS, PRETREATMENT REQUIREMENTS<sup>[4]</sup>

##### Footnotes:

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**Editor's note**— Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), adopted June 17, 2014, amended Div. 4 in its entirety, in effect repealing and reenacting said division to read as set out herein. The former Div. 4, §§ 49-161—49-167, pertained to similar subject matter and derived from Ord. No. 2623, § 2, adopted Dec. 20, 1993; Ord. No. 2781, § 5, adopted June 5, 1995; Ord. No. 3586, § 1, adopted Sept. 21, 2004; Ord. No. 4007, § 1(Res. No. 9374, Exh. A, § 1), adopted May 14, 2013; and Ord. No. 4147, § 1(Res. No. 9706, § 1), adopted May 13, 2014. Sections 3 and 4 of Ord. No. 4134 state: the provisions contained in § 49-91, 49-99, 49-161—49-167, and 49-181—49-185 repealed by this ordinance will continue in full force and effect until August 1, 2014, but as of August 1, 2014, those provisions shall be considered repealed. However: (a) all violations of the repealed provisions which occur before their repeal may be fully prosecuted; (b) all permits issued under the repealed provisions shall remain valid for their stated term unless sooner terminated or amended pursuant to new sections 49-165 through 49-169 as adopted by this ordinance. The discharge prohibitions and limitations contained in new sections 49-161 through 49-163 will apply to all existing permits and users as of August 1, 2014. Except as provided above, the effective date of the ordinance is July 17, 2014.

##### Sec. 49-161. - General industrial user requirements.

- (a) *General Prohibitions*-. No user shall introduce or cause to be introduced, directly or indirectly, into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to all users of the POTW, regardless of whether the user is subject to any national, state, or local pretreatment standards or requirements.
- (b) *Specific Prohibitions*-. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees Celsius) using the test methods specified in 40 CFR § 261.21;
  - (2) Wastewater having a pH of less than 5.0 or more than 10.5 or that otherwise causes corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous pollutants, fats, oils, or grease in amounts or sizes which will cause obstruction of the flow in the POTW or result in interference or otherwise disrupt the operation of the POTW or any private sewer;
  - (4) Any pollutants, including oxygen-demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which, either alone or by interaction with other pollutants, will cause interference with the POTW;
  - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no event heat in such quantities that the temperature at a POTW exceeds 104 degrees Fahrenheit (40 degrees Celsius) or any wastewater at a temperature greater than 150 degrees Fahrenheit (65 degrees Celsius);
  - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

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- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may present an acute risk to worker health and safety or prevent entry into the sewers for maintenance, repair, sampling, or monitoring;
- (8) Any trucked or hauled pollutants, unless the hauler has first obtained written approval from the division.
- (9) Hazardous waste that violates any local limit contained in this article;
- (10) Any of the following prohibited substances:
  - a. 4,4' - DDE
  - b. 4,4' - DDT
  - c. Aldrin
  - d. BHC—Alpha.
  - e. BHC—Beta.
  - f. BHC—Gamma (Lindane).
  - g. Heptachlor.
  - h. Heptachlor epoxide.
  - i. Polychlorinated biphenyl compounds (PCBs).
- (11) Any wastewater which exceeds the following limits for the following substances:

Substance	Limitation <sup>(1)</sup>	Sample Type
Benzene	35 µg/l	Grab
Chloroform	2000µg/l	Grab

(1) µg/l = micrograms per liter

- (12) Noxious or malodorous liquids, gases, solids, or other wastewater which either alone or by interaction with other wastes are sufficient to create a nuisance or a hazard to life, generate odor complaints, or to prevent entry into the sewers for maintenance or repair;
- (13) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (14) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, noncontact cooling water, and unpolluted wastewater unless specifically authorized by the division.
- (15) Sludges, screenings, and other residues from the pretreatment of industrial wastes or from the cleaning of interceptors or sewer collection systems;
- (16) Medical wastes except as specifically authorized by the division in a wastewater discharge permit;

- (17) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test;
  - (18) Detergents, surface active agents, or other substances which might cause excessive foaming in the POTW; or
  - (19) Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten (10) percent of the Lower Explosive Limit of the meter.
- (c) *National Categorical Pretreatment Standards.* Users must comply with the applicable categorical pretreatment standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N, Parts 405-471 which are hereby incorporated by this reference.
- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or concentration of a pollutant in wastewater, the division may impose equivalent concentrations or mass limits in accordance with 40 CFR § 403.6(c).
  - (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the division shall impose an alternative limit in accordance with 40 CFR § 403.6(e) or require the user to take other steps as necessary to allow the user and the City to determine compliance with the applicable standards.
  - (3) A user may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with 40 CFR § 403.15.
- (d) *Local Limits and Pretreatment Standards.*
- (1) The division is authorized to establish local limits pursuant to 40 CFR § 403.5(c) and the IGA.
  - (2) The following pollutant limits are established to protect against pass through or interference and to implement provisions of this article. No user shall discharge wastewater that exceeds the following limits at any time for any length of time:

Parameter	Daily Maximum Limit <sup>(1)</sup> or Instantaneous Limit
Arsenic	0.13 mg/l
Cadmium	0.047 mg/l
Copper	1.5 mg/l
Cyanide	2.0 mg/l
Lead	0.41 mg/l
Mercury	0.0023 mg/l
Selenium	0.10 mg/l
Silver	1.2 mg/l

Zinc	3.5 mg/l
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<sup>(1)</sup> All pollutants are to be analyzed as Total.

- (3) The division may develop Best Management Practices (BMPs) for any significant industrial user or other user, as needed, to implement this article. BMPs may be implemented through a permit, order, or regulation. For purposes of this article, BMPs are pretreatment requirements.
  - (4) All users subject to a categorical pretreatment standard shall comply with all requirements of such standard, and shall also comply with any limitations and prohibitions contained in this article. Where the same pollutant is limited by more than one pretreatment standard, the limitations which are more stringent shall prevail. Compliance with categorical pretreatment standards for existing sources shall be within the timeframe specified in the applicable categorical pretreatment standard. Compliance with categorical pretreatment standards for new sources shall be upon commencement of discharge.
  - (5) The division may establish more stringent pretreatment standards or additional site-specific effluent limits, when, in the judgment of the division, such limitations are necessary to implement the objectives of this article.
- (e) *Mass Based Limitations*-. The division may impose mass limitations on industrial users through industrial wastewater discharge permits where not prohibited by categorical pretreatment standards, and which are using flow equalization to meet applicable federal, state, or City pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. The division may establish equivalent mass limits only if industrial users satisfy all conditions set forth in 40 CFR 403.6(c)(5)(i)(A) through (c)(5)(i)(E). In such cases, the wastewater discharge permit will contain the mass allocation for each pollutant, any concentration-based categorical standards, maximum flow allowed, and the appropriate monitoring and reporting requirements. Where mass limits have been established, the reports required by sections 49-167(c) and (d) shall also indicate the mass of limited pollutants in the user's wastewater. These reports shall also contain the results of sampling and analysis of the discharge, including production and mass of pollutants contained therein which are limited by the applicable pretreatment standards and requirements.
- (f) *Dilution*. No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The division may impose mass limitations and flow limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations and flow limitations are appropriate.
- (g) *Point of Discharge: Prohibitions*.
- (1) No person shall discharge any substance directly into a manhole or other opening into the POTW unless specifically authorized by the division or as otherwise permitted under this article.
  - (2) Liquid wastes from chemical toilets originating from campers, trailers and other recreational vehicles which have been collected and/or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the division to collect such wastes within the City.
  - (3) No person shall discharge or dispose of wastes into the POTW where such wastes have been collected and/or held in a tank or other container and where such wastes fail to comply with any limitation set out in this article.

(h) *Tampering Prohibition.*

- (1) No person shall tamper with, damage, or destroy any monitoring or sampling equipment with the knowledge or intention of altering the sampling analysis or readings or causing damage to such equipment being used to determine compliance with this article.
- (2) No person shall tamper with a manhole or enter any City manhole without specific authorization from the City.
- (3) No person shall tamper with any pretreatment device, including, but not limited to, any unauthorized alteration of the original equipment or its design, any discharge of waste into the pretreatment device from any source other than as originally intended, or the removal of an originally intended source of discharge from the pretreatment device.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-162. - Pretreatment of wastewater.

- (a) *Pretreatment Facilities*-. Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all pretreatment standards and requirements set out in this article within the most stringent time limitations specified by EPA, the state, or the division. Users shall provide and properly operate and maintain all pretreatment equipment and facilities at their own expense. Users shall submit to the division detailed plans describing such pretreatment facilities and operating procedures prior to construction or operation. The division's review of such plans and operating procedures shall in no way relieve the users from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this article. Any subsequent modifications to such pretreatment facilities or operating procedures shall only be made in compliance with this article.

(b) *Additional Pretreatment Measures.*

- (1) The division may require users to restrict their discharges during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, or implement such other measures as may be necessary to protect the POTW and demonstrate the users' compliance with the requirements of this article.
- (2) The division may require any users to install and maintain on their premises and at their sole expense, suitable storage and flow-control equipment to ensure equalization of flow. The division may issue a wastewater discharge permit solely for flow equalization.
- (3) The division may require users with the potential to discharge flammable substances to install and maintain approved combustible gas detection meters.

(c) *Monitoring Equipment.*

- (1) The division may require users of any pretreatment facility to install at their sole expense suitable monitoring equipment which shall measure and facilitate accurate and representative observation and sampling of any discharges in order to demonstrate compliance with this article.
- (2) The monitoring equipment shall be placed at an outdoor location on the user's premises. The division, in its discretion, may approve the placement of monitoring equipment at alternative locations.
- (3) When different operations of a single user produce significantly different wastewater constituents or characteristics, the division may require the user to install separate building sewers and monitoring equipment. When more than one user discharges into a common

building sewer, the division may require each user to install separate monitoring equipment. Users have ongoing obligations to maintain all monitoring equipment in proper working order and to assure such equipment is safe and readily accessible by the user and the division.

- (4) All monitoring equipment shall be constructed in accordance with the division's requirements and all applicable construction standards and specifications.
  - (5) Users shall provide and maintain all devices to measure wastewater flow and quality and shall calibrate the devices according to the manufacturers' recommendations to ensure accuracy.
- (d) *Accidental Discharge/Slug Discharge Control Plans.*
- (1) Each user shall, at its sole expense, implement measures and provide and maintain facilities necessary to prevent the accidental discharge or slug loads of pollutants regulated under this article.
  - (2) The division shall evaluate whether an SIU requires an accidental discharge/slug discharge control plan or other measures to control slug discharges. The division may require any user to develop, submit for approval, and implement a slug control plan or take such other action that may be necessary to control slug discharges. The division may establish specific requirements and conditions to prevent accidental or slug discharges for any user.
  - (3) An accidental discharge/slug discharge control plan shall include, at a minimum, the following:
    - (i) Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures and conditions;
    - (ii) Description of contents and volumes of any process tanks;
    - (iii) Description of discharge practices, including non-routine batch discharges;
    - (iv) List of stored chemicals, including location, volumes, and spill prevention measures employed;
    - (v) Procedures for immediately notifying the division of any accidental or slug discharge, as required by section 49-167(f). In the case of an accidental or slug discharge, the user is responsible for complying with the reporting requirements set forth in section 49-167(f).
    - (vi) A notice permanently posted on the user's bulletin board or other prominent place advising employees of notification instructions in the event of an accidental or slug discharge. Employers shall ensure that all employees who work in any area where an accidental or slug discharge may occur are advised as to all emergency notification procedures.
    - (vii) Procedures to prevent an accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff pursuant to Chapter 37, Article III of this Code, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or emergency response measures and equipment.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-163. - Fats, oils, and grease control.

The division director of Water Resources or designee is authorized to develop and submit to the City Council, for approval by resolution, rules and procedures requiring users to install, maintain, clean, repair, and for the City to inspect grease, sand, and oil interceptors, oil and water separators, and hair and grease traps as required for the proper handling of wastewater containing excessive amounts of fats, oils,

grease, sand, or other pollutants. Such interceptors and separators shall not be required for residential users.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-164. - Regulation of users from outside jurisdictions.

- (a) If a user located in another municipal, county, state, or tribal jurisdiction contributes wastewater to the City's POTW, the division shall enter into an agreement with the contributing user. The division shall enter into an intergovernmental agreement with other public entities which contribute wastewater to the City's POTW.
- (b) Prior to entering into an agreement required by subsection (a), above, the contributing user or public entity shall provide to the division the following information:
  - (1) A description of the quality and volume of wastewater to be contributed to the POTW;
  - (2) An inventory of all residential, commercial, and industrial sources contributing wastewater to the POTW; and
  - (3) Such other information as the division may deem necessary.
- (c) The contributing party agreement, as required by subsection (a), above, shall contain the following:
  - (1) A requirement for the contributing party to adopt a sewer use ordinance, tariffs, or rules which shall impose on all sources contributing wastewater to the POTW requirements which shall be no less stringent than the requirements of this article, including implementation and enforcement of pretreatment standards and requirements on non-domestic users.
  - (2) A requirement for the contributing party to submit to the division an updated source inventory on at least an annual basis;
  - (3) A requirement authorizing the division access to all information relating to wastewater quantity and quality from the contributing party and all residential, commercial, and industrial sources therein;
  - (4) Limits on the nature, quality, and volume of the contributing party's wastewater at the point(s) of discharge(s) to the POTW;
  - (5) Requirements for monitoring the contributing party's discharge(s);
  - (6) A provision authorizing the division access to inspect and sample sources of wastewater from any residence or industrial facility located within the contributing party's service area or boundaries;
  - (7) A provision specifying which pretreatment activities will be conducted by the contributing party, by the division, and jointly; and
  - (8) A provision specifying remedies available for breach of the terms of the agreement.
- (d) The contributing user agreement may, if acceptable to the City, include a provision specifying that the City shall be delegated full responsibility for implementation and enforcement of the pretreatment program.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-165. - Wastewater discharge permit application.



- (a) When requested by the division, a user must submit information as to the nature and characteristics of its wastewater within thirty (30) days of the request. The division director of Water Resources or designee is authorized to prepare a wastewater survey form for this purpose and may periodically require users to update this information.
- (b) No significant industrial user shall discharge wastewater into the POTW without first applying for and obtaining an individual wastewater discharge permit from the division. Such permit application shall also include an annual discharge permit fee.
- (c) The division may require other non-significant industrial users to obtain wastewater discharge permits as necessary to carry out the purposes of this article. The division may issue a zero discharge permit to prohibit the discharge of some or all non-domestic process wastewater. The division may issue temporary wastewater discharge permits for periods not to exceed sixty (60) days and subject to specific flow and discharge limitations and discharge fees.
- (d) Any user required to obtain a permit to discharge wastewater into the POTW must apply for and obtain such permit prior to commencing such discharge. The user shall file a completed application for a wastewater discharge permit at least one hundred and eighty (180) days prior to the date upon which any discharge will begin.
- (e) Any user who is required to obtain a wastewater discharge permit and who was discharging into the POTW prior to the effective date of this article and who wishes to continue such discharges shall apply for a permit by submitting a completed permit application no later than thirty (30) days following the effective date of this article. Such users shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this article except if authorized by the division.
- (f) Wastewater Discharge Permit Application Contents. The division shall prescribe the form of all wastewater discharge permit applications. Applicants shall submit completed application forms within the time frames set forth in subsections (d) and (e) above. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. In support of its application, the user shall submit, in units and terms appropriate for evaluation, the following:
  - (1) Identifying Information.
    - (i) The name of the industry and address of the facility, and mailing address if different;
    - (ii) The name of the operator and owner;
    - (iii) Location of discharge if different from the facility address;
    - (iv) Contact information;
    - (v) Description of facility activities, operations, and production processes.
  - (2) A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations.
    - (i) A brief description of the nature and average rate of production;
    - (ii) The Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) codes of the operation(s);
    - (iii) A schematic process diagram that indicates points of discharge to the POTW from the regulated processes;
    - (iv) Types of wastes generated;
    - (v) A list of all used or stored materials and chemicals which are or could potentially be discharged to the POTW;
    - (vi) Number and classification of employees and staff;
    - (vii) Proposed or actual hours of operation;

- (viii) Type and amount of raw materials processed (annual average and maximum per day);
  - (ix) Detailed site plans, floor plans, mechanical and plumbing plans that show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
- (4) Time, duration, and volume of discharges.
- (5) All proposed waste monitoring locations.
- (6) Measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR § 403.6(e).
- (7) Measurement of Pollutants
  - (i) The pretreatment standards applicable to each regulated process;
  - (ii) The results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or by the division) of regulated pollutants in the discharge from each regulated process;
  - (iii) Instantaneous, daily maximum, and long-term average concentrations (or mass, where required);
  - (iv) Samples shall be representative of daily operations and shall be taken and analyzed in accordance with procedures set out in sections 49-167(j) and (k). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the division or the applicable standards to determine compliance with the standard.
- (8) Any other information as the division may deem necessary to evaluate the permit application.
- (g) *Application Signatories and Certifications.*
  - (1) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the applicable certification statement(s) set forth in section 49-167(o).
  - (2) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the division prior to or together with any reports to be signed by an authorized representative.
  - (3) A facility determined to be a non-significant industrial user may be required to submit an annual signed certification statement set forth in 40 CFR § 403.12(q).

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15)

Sec. 49-166. - Wastewater discharge permit conditions.

- (a) After evaluating the data furnished by an applicant, the division will determine whether to issue a wastewater discharge permit.
  - (1) A determination as to whether to issue a wastewater discharge permit shall be made within sixty (60) days of the division's receipt of a complete wastewater discharge permit application.
  - (2) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and shall subject the permittee to sanctions as set out in Division 5 of this article. A wastewater discharge permittee shall also comply with all federal and state

pretreatment standards or requirements and with any other requirements of federal, state, and local law.

- (3) The division shall issue a wastewater discharge permit if the division determines that all of the following conditions are met:
- (i) The applicant has filed a timely and complete permit application and paid all applicable fees;
  - (ii) The applicant's proposed discharge is in compliance with the limitations established in this article;
  - (iii) The applicant's proposed operations and discharges will not interfere with the normal and efficient operation of the POTW, including the collection system; and
  - (iv) The applicant's proposed discharges will not result in a violation of the terms and conditions of any NPDES permit or cause or contribute to pass through or interference.
- (b) If the division determines that the condition set out in subsection (a)(3)(ii) of this subsection is not met, the division may, in its discretion, issue or amend a wastewater discharge permit provided: (1) the remaining conditions set forth in subsections (a)(3)(i), (a)(3)(iii), and (a)(3)(iv) of this subsection have been met; and (2) the division approves a submitted compliance schedule specifying any additional measures and milestones the applicant must implement to insure compliance with pretreatment standards and requirements. At no time shall the division permit a discharge that may violate any general and specific prohibitions or local limits established in section 49-161 or allow an extension of a final compliance date for a categorical standard.
- (c) Wastewater Discharge Permit Duration. The division may issue a wastewater discharge permit for any specified period of time, but in no case longer than five (5) years from the effective date of the permit. Each wastewater discharge permit will include a specific expiration date. A permittee shall apply for reissuance of a permit no later than thirty (30) days prior to the expiration date.
- (d) Wastewater Discharge Permit Contents.
- (1) A wastewater discharge permit shall include such requirements as the division deems reasonably necessary to prevent pass through or interference, protect the quality of receiving water bodies, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. All wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations, user charges, and fees established by the City.
  - (2) Wastewater discharge permits shall contain:
    - (i) The permit's issuance date, expiration date and effective date;
    - (ii) A statement that the permit shall not be transferable without prior notification to the City and except in accordance with section 49-166(h);
    - (iii) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
    - (iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements including an identification of pollutants (or best management practice) to be monitored, sampling location(s), sampling frequency, and sample type based on federal, state, and local law;
    - (v) Applicable civil and/or criminal penalties for violations of pretreatment standards and requirements, the permit, this article, and any applicable compliance schedule;
    - (vi) Requirements to control slug discharges and to immediately notify the division of any facility changes affecting the potential for a slug or accidental discharge.
  - (3) Wastewater Discharge Permits may contain:

- (i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (ii) Requirements for the installation or construction of pretreatment technology, pollution control, or containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
  - (iii) Accidental spill control plans or other special conditions including management practices necessary to prevent accidental, unanticipated, or non-routine discharges;
  - (iv) Waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (v) The unit charge or schedule of user charges and fees for the discharge of wastewater to the POTW;
  - (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  - (vii) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards and requirements, including those which become effective during the term of the wastewater discharge permit;
  - (viii) Other conditions as the division deems appropriate to ensure compliance with this article, and state and federal laws rules, and regulations; or
  - (ix) Requirements to segregate sewage and industrial wastewater piping, such that the discharge of industrial wastewater flow into the POTW could be halted while still allowing sewage to discharge into the POTW.
- (e) Applicant's Right to Comment.
- (1) Upon completion of its evaluation, the division shall develop and provide a draft permit to the applicant.
  - (2) The applicant shall have fourteen (14) days from the date of receipt of the draft permit to file written comments with the division. The division may, but shall not be required to, schedule a meeting with the applicant's authorized representative within fifteen (15) days following receipt of the applicant's comments and attempt to resolve any disputed issues. The applicant is responsible for providing data and other information to support its comments.
  - (3) If the applicant files no comments on the draft permit or if a subsequent agreement is reached concerning the same, the division director of Water Resources or designee shall issue to the applicant a wastewater discharge permit incorporating all such conditions.
- (f) Wastewater Discharge Permit Appeals. A permittee may petition the division to reconsider a permit denial or the terms of a wastewater discharge permit within fourteen (14) days following a denial or the permit's effective date.
- (1) Failure to submit a timely petition for reconsideration shall be deemed a waiver of the administrative appeal.
  - (2) In its petition, the permittee must identify the wastewater discharge permit provisions to which it objects, the reason(s) for its objection, and any proposed alternative permit condition(s). If the appeal relates to a permit denial, the applicant must identify all reasons as to why the permit should be issued or a permit renewal should be granted.
  - (3) The provisions and effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  - (4) If the division fails to act within thirty (30) days of its receipt of an appeal, the petition for reconsideration shall be deemed denied. Decisions not to reconsider a wastewater discharge

permit, not to issue or renew a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a timely special action petition with the Maricopa County Superior Court.
- (g) Permit Modification. The division may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
  - (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
  - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the issuance of the wastewater discharge permit;
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the POTW and/or its personnel, the general public, or the environment;
  - (5) Violation of any terms or conditions of the wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (7) Revision or a grant of a variance from categorical pretreatment standards pursuant to 40 CFR § 403.13;
  - (8) To correct typographical or other errors in the wastewater discharge permit; or
  - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 49-166(h).
- (h) Wastewater Discharge Permit Transfer.
  - (1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days prior written notice to the division, and the division approves the wastewater discharge permit transfer in writing. The notice to the division must include a written certification by the new owner or operator which:
    - (i) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
    - (ii) Identifies the specific date on which the transfer is to occur; and
    - (iii) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
  - (2) A permittee's failure to provide advance notice of a transfer shall render the wastewater discharge permit void as of the date of the facility transfer. A new owner or operator subject to a permit transfer shall not discharge wastewater to the POTW without a valid permit.
    - (i) Wastewater Discharge Permit Revocation. The division may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:
      - (i) Failure to provide prior notification to the division of significant changes to the wastewater prior to such change;
      - (ii) Failure to notify the division of changed conditions pursuant to section 49-167(e);
      - (iii) Misrepresentation of or failure to fully disclose all relevant facts in the wastewater discharge permit application;

- (iv) Falsifying any required reports, including self-monitoring reports and certification statements;
- (v) Tampering with monitoring equipment;
- (vi) Refusing to allow the division timely access to the facility premises and records;
- (vii) Violations of any effluent limitation, pretreatment standards or requirements or any terms of the wastewater discharge permit or this article;
- (viii) Failure to meet effluent limitations;
- (ix) Failure to pay fines;
- (x) Failure to pay sewer charges;
- (xi) Failure to pay permit and sampling fees;
- (xii) Failure to meet compliance schedules; or
- (xiii) Failure to complete a wastewater survey or the wastewater discharge permit application.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-167. - Reporting requirements.

(a) *Baseline Monitoring Reports.*

- (1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR § 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW shall submit to the division a report which contains the information listed in subsection (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the division a report which contains the information listed in subsection (2), below. A new source shall also report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged from regulated process streams and other non-process streams.
- (2) Users described above shall submit the following information:
  - (i) Name and address of the facility, including name of the operator, owner, and SIC/NAICS codes;
  - (ii) A list of any environmental control permits held by or for the facility;
  - (iii) A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user, including a schematic process diagram in relation to a site plan which indicates points of discharge to the POTW from the regulated processes;
  - (iv) Measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams as necessary to allow the use of the combined wastestream formula set forth in 40 CFR § 403.6(e).
  - (v) Measurement of Pollutants.
    - 1. The pretreatment standards applicable to each regulated process;



2. The results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or by the division) of regulated pollutants in the discharge from each regulated process;
  3. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required);
  4. Samples shall be representative of daily operations, and the samples shall be taken and analyzed in accordance with procedures set out in sections 49-167(j) and (k). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the division or the applicable standard to determine compliance with the standard.
- (vi) The user shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this subsection.
  - (vii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula set forth in 40 CFR § 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR § 403.6(e), this adjusted limit along with supporting data shall be submitted to the division. Sampling and analysis shall be performed in accordance with sections 49-167(j) and (k).
  - (viii) The division may allow the submission of a baseline monitoring report which utilizes only recent historical data so long as the data provide information sufficient to determine the need for industrial pretreatment measures.
  - (ix) The baseline monitoring report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
- (3) Compliance Certification. The user shall submit a statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
  - (4) Compliance Schedule. If additional pretreatment and/or O& M will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this subsection shall comply with the requirements of section 49-167(b).
  - (5) Signature and Report Certification. All baseline monitoring reports must be signed certified in accordance with section 49-167(o) and signed by an authorized representative as defined in section 49-91.
- (b) *Compliance Schedule Progress Reports.* The following conditions shall apply to the compliance schedule required by section 49-167(a)(4):
    - (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. Such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation;

- (2) No progress increment referred to above shall exceed nine (9) months;
  - (3) The user shall submit a progress report to the division no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether the user complied with the progress increment, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
  - (4) In no event shall more than nine (9) months elapse between such progress reports to the division.
- (c) *Reports on Compliance with Categorical Pretreatment Standard Deadline.* Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the division a report containing the information described in section 49-167(a)(2)(iv)—(ix) and (3). For users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 49-167(o). All sampling and analysis will be done in conformance with section 49-167(j) and (k).
- (d) *Periodic Compliance Reports.*
- (1) All SIUs and other users as may be designated by the division shall, at a frequency determined by the division, submit no less than once every six (6) months, unless required more frequently in the permit or by the division, reports indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation required by the division or the pretreatment standard as necessary to determine the compliance status of the user.
  - (2) All periodic compliance reports must be signed and certified in accordance with section 49-167(o).
  - (3) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for a user to claim that any sample results are not representative of its discharge.
  - (4) If a user subject to the reporting requirement in this section monitors any regulated pollutant at a designated sampling location more frequently than required by the division, the user shall include the results of this monitoring in the report and use the methods and procedures prescribed in section 49-167(j) and (k).
- (e) *Reports of Changed Conditions.* Every user shall submit a written notification to the division a minimum of ten (10) days prior to any planned significant change in the nature, quality, or volume of pollutants in its discharge and any flow increases of twenty percent (20%) or greater. A "significant change" shall include, but is not limited to:
- (1) Any change to the user's processing, manufacturing or other production operations affecting its discharge;
  - (2) The addition of any regulated substances which may affect the user's discharge;
  - (3) Any changes in the listed or characteristic hazardous waste for which the user has submitted or is required to submit notification to the division under this article and 40 CFR § 403.12(p) as amended.

(f) *Reports of Potential Problems.*

- (1) In the case of any discharge, including, but not limited to, an accidental discharge, a slug discharge, slug load, or a discharge that might cause potential problems for the POTW, the user shall immediately notify the division of the incident through telephone, in writing, and through electronic mail.

This notification shall include:

- (i) Name and location of the facility;
  - (ii) Identity of the caller;
  - (iii) Date, time, and location of the discharge;
  - (iv) Date and time discharge was halted;
  - (v) Estimated volume of the discharge;
  - (vi) Pollutants that may be present and their concentration;
  - (vii) Corrective actions taken to halt the discharge; and
  - (x) Pollutant disposal methods in lieu of discharge.
- (2) Within five (5) days following such discharge, the user shall, unless waived by the division, submit a detailed written report describing the cause(s) of the discharge and the measure(s) the user shall undertake to prevent similar future occurrences. Such notification shall not relieve the user of any expense or liability arising from the discharge or which may result in loss or damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user from any City enforcement action imposed pursuant to this article.
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to notify in the event of a discharge described in subsection (f)(1) above. Employers shall ensure that all employees who may cause such a discharge are advised of the emergency notification procedure.
- (4) SIUs are required to notify the division immediately of any changes at their facilities affecting the potential for a slug discharge.
- (5) Bypasses are hereby deemed potential problems, and the requirements and prohibitions that apply to bypasses as set forth in 40 CFR § 403.17 are specifically incorporated by this reference.

- (g) *Reports from Unpermitted Users*— All nondomestic users not required to obtain a wastewater discharge permit shall provide such reports to the division as the division may require. These reports may include, but are not limited to, industrial wastewater questionnaires, surveys, permit applications, and reports demonstrating compliance with Best Management Practices. If required by the City, these reports shall include the signatory certification statement specified in section 49-167(o).

(h) *Notification of Violation/Repeat Sampling Reporting.*

- (1) If sampling performed by a user indicates a violation of a pretreatment standard, the user shall:
- (i) Notify the division within twenty-four (24) hours of becoming aware of the violation (e.g., receipt of final analytical laboratory reports);
  - (ii) Repeat the sampling and analysis and submit the results of the repeat analysis to the division within thirty (30) days after becoming aware of the violation.
- (2) The industrial user is not required to perform repeat sampling if the division performs sampling at the user's facility at least once a month, or if the division performs sampling at the user's facility between the time when the initial sampling was conducted and when the user or division

receives the results of this sampling, or if the division has performed the sampling and analysis in lieu of the industrial user. If the division performed the sampling and analysis in lieu of the user, the division will perform the repeat sampling and analysis within thirty (30) days after becoming aware of a violation unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(i) *Notification of the Discharge of Hazardous Waste.*

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent known and readily available to the user: an identification of the hazardous constituents contained in the wastes; an estimate of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and an estimate of the mass of such constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred and eighty (180) days after the discharge commences. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notification of changed conditions must be submitted under section 49-167(e) of this article. The notification requirement in this subsection does not apply to pollutants already reported under the self-monitoring requirements of sections 49-167(a), (c), and (d).
  - (2) Users are exempt from the requirements of subsection (i)(1) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification. Subsequent months during which the user discharges additional amounts of such quantities of any hazardous waste do not require additional notification.
  - (3) In the event of any new regulations under Section 3001 of RCRA identify additional characteristics of hazardous waste or list any additional substance as a hazardous waste, the user must notify the division, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
  - (4) As to any notification under this subsection, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
  - (5) This hazardous waste notification of discharge does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued hereunder, or any applicable federal or state law.
- (j) *Sampling Methods.* All samples collected to determine compliance under this article must be obtained in accordance with the techniques and procedures prescribed in 40 CFR Part 136.
- (k) *Sample Analysis.* The analysis of all samples collected for compliance with the requirements of this article must be conducted pursuant to the techniques and procedures prescribed in 40 CFR Part 136 by a laboratory licensed by the State of Arizona as an environmental laboratory or such other approval authority deemed acceptable by the division.
- (1) Except as set forth in subsections (2) and (3) below, the user must collect representative wastewater samples using 24-hour flow proportional composite sampling techniques, unless the division authorizes time-proportional composite sampling or grab sampling. If the division

authorizes time-proportional composite sampling or grab sampling, the samples must be representative of the discharge.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques unless otherwise specified in the wastewater discharge permit. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. In addition, grab samples may be required to show compliance with instantaneous limits, including pH.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 49-167(a) and (c), and 40 CFR § 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical representative sampling data do not exist. Where recent historical data are available, the division may authorize a lower minimum. For the reports required by sections 49-167(d) and (g), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- (l) *Continuous pH Monitoring.* The division may, in its discretion, require an industrial user to continuously monitor the pH of its discharge, and pH monitoring shall be pursuant to a division approved monitoring plan. The user shall install, operate and maintain the pH monitoring equipment at the user's sole cost and expense.
- (m) *Date of Receipt of Reports.* Written reports will be deemed to have been submitted on the date postmarked if mailed or on the date received if delivered by hand or some other means.
- (n) *Recordkeeping.* Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs established under section 49-161(d). Records shall include: the date, exact place, method, and time of sampling, and the name of the person(s) taking the sample; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of three (3) years. This retention period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the division has specifically notified the user of a longer retention period.
- (o) *Signatory Certification for Required Reports.* Users or their authorized representatives submitting reports to the division as required under this article or any wastewater discharge permit shall sign and submit the following certification statement:

"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 who manage the system, or those 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 fine and imprisonment for knowing violations."

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-168. - Compliance monitoring.

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- (a) *Right of Entry: Inspection and Sampling.* The division shall have the right to enter, announced or unannounced, the premises of any user to determine whether the user is complying with all requirements of this article, any wastewater discharge permit, or order issued hereunder. Users shall allow the division ready access to the entire premises for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties.
- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make prior necessary arrangements with its security guards so that, upon presentation of suitable identification, the division shall be permitted to enter without delay for the purpose of performing specific responsibilities authorized under this article.
  - (2) The division shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct compliance monitoring, sampling and/or metering of the user's operation.
  - (3) At the written or verbal request of the division, the user shall promptly remove any temporary or permanent obstruction to the safe and ready access to the premises to be inspected and/or sampled. The user shall pay all costs of clearing such access.
  - (4) Unreasonable delays in allowing the division access to the user's premises shall be a violation and may cause the City to exercise its authority under section 49-168(b) and Division 5 of this article.
- (b) *Search Warrants.* If the division has been refused access to a user's building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that a violation of this article has or may have occurred, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City may seek issuance of a search warrant from a court of competent jurisdiction.
- (c) If any owner or account holder fails to install a device or perform any necessary action required by this division within ninety (90) days for the install of a device or ten (10) days to perform a necessary action of receiving written notice from the Water Resources Division of the need to do so, the Division may either:
- (1) if feasible, install the required device or perform the necessary action on behalf of the owner or account holder and include the cost of such installation or action on the next regularly scheduled invoice to the account holder, or
  - (2) discontinue service to the property until such time as the required device is installed or action is performed.
- (d) The notice sent to the owner or account holder in accordance with subsection (c) shall include an advisory from the Division that the Division may install an appropriate device or take the required action at the owner or account holder's expense or that the service may be discontinued if the required device is not installed or the required action is not taken.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-169. - Pretreatment charges and fees.

The City may adopt reasonable fees for reimbursement of costs to establish and operate the City's pretreatment program. Such fees may include:

- (a) Fees for wastewater discharge permit applications, including costs to process such applications;

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- (b) Fees to monitor, inspect, and observe procedures, including the cost to collect and analyze a user's discharge;
- (c) Unit charges or a schedule of user charges and fees for the discharge of wastewater to the POTW;
- (d) Uniform annual permit fees;
- (e) Such other fees as the City may deem necessary to carry out the requirements set forth in this article.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Secs. 49-170—49-180. - Reserved

#### DIVISION 5. - ENFORCEMENT<sup>[5]</sup>

#### Footnotes:

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**Editor's note—** Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 3), adopted June 17, 2014, amended Div. 5 in its entirety, in effect repealing and reenacting said division to read as set out herein. The former Div. 5, §§ 49-181—49-185, pertained to similar subject matter and derived from Ord. No. 2623, § 2, adopted Dec. 20, 1993; Ord. No. 3586, § 1, adopted Sept. 21, 2004; Ord. No. 4007, § 1(Res. No. 9374, Exh. A, § 1), adopted May 14, 2013; and Ord. No. 4147, § 1(Res. No. 9706, § 1), adopted May 13, 2014. Sections 3 and 4 of Ord. No. 4134 state: the provisions contained in §§ 49-91, 49-99, 49-161—49-167, and 49-181—49-185 repealed by this ordinance will continue in full force and effect until August 1, 2014, but as of August 1, 2014, those provisions shall be considered repealed. However: (a) all violations of the repealed provisions which occur before their repeal may be fully prosecuted; (b) all permits issued under the repealed provisions shall remain valid for their stated term unless sooner terminated or amended pursuant to new sections 49-165 through 49-169 as adopted by this ordinance. The discharge prohibitions and limitations contained in new sections 49-161 through 49-163 will apply to all existing permits and users as of August 1, 2014. Except as provided above, the effective date of the ordinance is July 17, 2014.

Sec. 49-181. - Publication of users in significant noncompliance.

As a party to the IGA, the division shall annually provide to the City of Phoenix for publication in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous twelve (12) months, were in significant noncompliance (SNC) with applicable pretreatment standards and requirements as defined in section 49-91.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 4), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-182. - Administrative enforcement remedies.

- (a) *Notice of Violation.* When the division finds that a person has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, the division may serve upon the person a written Notice of Violation. Such service shall be accomplished via hand delivery or by registered or certified mail (return receipt requested). Within five (5) working days of the receipt of such notice, the person shall submit to the division an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions. Submission of such a plan in no way relieves the person of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the division to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (b) *Administrative Compliance Orders.* When the division finds that a person has violated, or continues to violate, any provision of this article, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the division may issue to the person responsible for the discharge an order directing that the person to cease and desist all such violations or to come into compliance within a specified time. If the person does not cease such violations or come into compliance within the time provided, water or sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may include other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, the City taking any other action against the person.
- (c) *Show Cause Hearing.*
- (1) The division may order a person which has violated, or continues to violate, any provision of this article, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, to appear before the division and show cause why the proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the person show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any statutory agent or authorized representative of the person as defined in section 49-91.
  - (2) The hearing shall be informal and the rules of evidence shall not apply except that evidence and testimony presented shall be relevant and that the hearing officer may make rulings as to the conduct of the hearing. Either the City or the alleged violator may be represented by counsel. The burden of proof shall be upon the alleged violator. Upon a finding by the preponderance of the evidence that the City's proposed enforcement actions are reasonable, the hearing officer shall uphold the division's enforcement action, and the division shall proceed as necessary with such action.
  - (3) Hearing officers shall be appointed by the division director of Water Resources or designee.
  - (4) A show cause hearing shall not be a bar against, or prerequisite for, the City taking any other action against the person.
- (d) *Revocation of Permit.*
- (1) The City may revoke the wastewater discharge permit of any person who violates the provisions of this article including, but not limited to, section 49-166(i)(cause for permit revocation).

- (2) The division shall notify such person of the proposed permit revocation and may offer the person an opportunity to show cause under section 49-182(c). The division's exercise of this action shall not be a bar to, or a prerequisite for, taking any other action against the person.
- (e) *Emergency Suspensions.*
- (1) The division may immediately suspend a person's discharge, after informal notice to the person, whenever such suspension is necessary to stop a discharge which: (a) reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons; (b) interferes or threatens to interfere with the operation of the POTW; or, (c) which presents, or may present, an endangerment to the environment. Such informal notice may include: hand delivery of the emergency notice during working hours; posting of such notice at the business; telephone or email notice to the authorized representative; and any other methods as determined to be appropriate by the division under the emergency suspension action.
- (2) Any person notified of an emergency suspension shall immediately stop or eliminate its discharge. In the event of a person's failure or inability to immediately comply with the suspension notice, the division may take such steps as deemed necessary, including, but not limited to, immediate severance of the sewer connection. Pursuant to the reporting requirements of section 49-167(f), the person shall submit a detailed written report describing the causes of the discharge and the measures taken to prevent any similar future occurrence. Following a show cause hearing, the division may allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the division that the discharge shall comply with this article.
- (3) The division's exercise of this suspension action shall not be a bar to, or a prerequisite for, taking any other action against the person, including initiating termination of the person's discharge.
- (4) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension.
- (f) *Negotiated Settlement Agreements (A. R.S. § 49-391).*
- (1) On behalf of the City and with the concurrence of the City Attorney, the division may enter into negotiated settlements, assurances of compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents shall include specific action to be taken by the person to correct the noncompliance within a time period specified by the document and may include recovery of penalties. The City may bring an action in superior court to enforce any breach of a negotiated settlement agreement.
- (2) A person who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$25,000 per violation, per day. In the case of monthly or other long-term average discharge limit violations, penalties shall be assessed for each day during the period of violation.
- (3) In determining the amount of a civil penalty to be imposed as part of any such agreement, the City shall consider: (1) the seriousness of the violation; (2) the economic benefit, if any, resulting from the violation; (3) any history of such violation; (4) any good faith efforts to comply with the applicable requirements; (5) the economic impact of the penalty on the violator; and (6) such other factors as justice may require.
- (4) Before a negotiated settlement agreement becomes final, the City shall provide a period of thirty (30) days for public comment.
- (g) *Notice.* Any formal notice or order issued under this section shall be served personally, or by registered or certified mail, return receipt requested to the billing or street address of the user.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 4), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-183. - Judicial enforcement remedies.

(a) *Injunctive Relief*— When the division finds that a person has violated, or continues to violate, any provision of this article, a wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, the division may request that the City Attorney petition the superior court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the person to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

(b) *Civil Actions and Penalties*.

(1) Pursuant to A.R.S. § 9-500.21, and in addition to any other remedy or action, the City may enforce any violation of this article by filing a complaint in City court.

(i) The penalty for a violation enforced pursuant to this subsection shall be a maximum fine of two thousand five hundred dollars (\$2,500.00). In addition to the imposition of a civil fine, upon a finding of responsible, the court may order the violator to abate or correct the violation within a time frame specified by the court.

(ii) The division director of Water Resources or his designee, Scottsdale police officers, or the City Attorney may issue civil complaints pursuant to this subsection.

(iii) Filing a civil complaint pursuant to this subsection shall not be bar against, or a prerequisite for, the City taking any other action against a person.

(2) Pursuant to A.R.S. § 49-391, the division may request the City Attorney to file a civil complaint in superior court to enforce and seek compliance with this article and recover civil penalties.

(i) Pursuant to A.R.S. § 49-391, a person who has violated, or continues to violate, a wastewater discharge permit, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$25,000.00 per violation, per day. For continuing violations, each day may constitute a separate offense.

(ii) In determining the amount of a civil penalty, the City and the court shall consider: (1) the seriousness of the violation; (2) the economic benefit, if any, resulting from the violation; (3) any history of such violation; (4) any good faith efforts to comply with the applicable requirements; (5) the economic impact of the penalty on the violator; and (6) such other factors as justice may require.

(iii) Filing a civil complaint pursuant to this subsection shall not be bar against, or a prerequisite for, the City taking any other action against a person.

(iv) Before any negotiated consent decree filed with the court becomes final, the City shall provide a period of thirty (30) days for public comment.

(c) *Criminal Prosecution*.

(1) A person who recklessly or negligently violates any provision of this article, a wastewater discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class 1 misdemeanor.

(2) A person who recklessly or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class 1 misdemeanor.

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This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

- (3) A person who intentionally or knowingly makes any false statements, representations, or certifications in any application, survey, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, a wastewater discharge permit, or an order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be guilty of a Class 1 misdemeanor.
- (4) Upon conviction for a violation of this section, the court in addition to any other penalties authorized by law shall impose a fine of not less than one thousand dollars (\$1,000.00) per violation. The court shall not suspend any part of any fine required by this section.
- (5) Any action by the City does not preclude or otherwise affect enforcement action that may be taken by a federal, state, or county agency.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 4), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-184. - Enforcement response plan and penalty policy.

The Division Director or designee is duly authorized to develop and submit to the City Council for its approval by resolution an enforcement response plan and penalty policy. The enforcement response plan will, at a minimum, satisfy the requirements of 40 CFR § 403.8(f)(5). The penalty policy shall establish the factors to be considered and the method of calculating administrative fines and the factors to be considered in using the judicial enforcement remedies set forth in section 49-183.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 4), 6-17-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-185. - Supplemental enforcement actions.

- (a) *Performance Bonds*-. The division may decline to issue or reissue a wastewater discharge permit to any user or authorized representative who has failed to comply with any provision of this article, a previous wastewater discharge permit, an order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, letter of credit, cash, or other security device, payable to the City, in a sum not to exceed a value determined by the division to be necessary to assure consistent compliance.
- (b) *Liability Insurance*. The division may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 4), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-186. - Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The division may take any, all, or any combination of these actions against a noncompliant person. Enforcement of pretreatment violations will be in accordance with the City's enforcement response plan. The division may, however, take other action against any person when the circumstances so warrant. Further, the division is empowered to take more than one enforcement action against any noncompliant person.

(Ord. No. 4134, § 1(Res. No. 9629, Exh. A, § 4), 6-17-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Secs. 49-187—49-195. - Reserved

DIVISION 6. - RESERVED<sup>[6]</sup>

Footnotes:

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**Editor's note**— Ord. No. 3586, § 1, adopted Sept. 21, 2004, effective Jan. 1, 2005, repealed div. 6, §§ 49-196—49-204, in its entirety. Formerly, said division pertained to nonhazardous liquid waste (NHLW) as enacted by Ord. No. 2623, § 2, adopted Dec. 20, 1993.

Secs. 49-196—49-210. - Reserved.

ARTICLE V. - WATER AND SEWER EXTENSIONS AND REIMBURSEMENT AGREEMENTS<sup>[7]</sup>

Footnotes:

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**Editor's note**— Ord. No. 3755, § 1, adopted Oct. 2, 2007, effective Nov. 3, 2007, amended the title of art. V to read as herein set out. Formerly, said article was entitled extension and reimbursement agreements.

Sec. 49-211. - Definitions.

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

*Available* means a public water or public sewer line is located within ~~six~~<sup>five</sup> hundred ~~sixty~~ (660<sup>500</sup>) feet of a property's boundary line, has sufficient capacity for the requested connection, an extension of the line can be engineered to meet the City's standards, and the physical circumstances of the right-of-way and the surrounding property will reasonably permit the extension. This includes establishing gravity flow from the subject parcel to an existing public sewer line located within five hundred (500) feet of a property's boundary line. What is "reasonable" shall be determined in the sole judgment of the City.

*Benefitting parcel* means a parcel that does not currently receive water or sewer service and is adjacent to a proposed water or sewer line which may facilitate connection at a future date.

*Cost* includes the actual cost of:

- (1) Construction of the public water or sewer line facilities as determined by the construction contract price; and

- (2) Inspection and permit fees paid to the City and County; and
- (3) Engineering, surveying and other fees required for the preparation of plans and specifications.

*City* means the City of Scottsdale, Arizona.

*County* means Maricopa County, Arizona.

*Developer* shall include within its meaning the owner/builder of a Single-Family dwelling and shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust or other legal entity which is responsible for facilitating creating the a-owner's demand on the City water or sewer facilities.

*Extension participation program* means a program that allows the City to compensate an owner or developer, who has established a line payback agreement for the extension of a water or sewer service to assign its right to future reimbursement, from benefiting parcels, to the City in exchange for immediate reimbursement by the City when funds are available; wishing to assign a line payback agreement to the City.

*Frontage* means the entire length of that portion of a parcel of property that abuts a public street, public easement, or public right-of-way.

*In-lieu payment* means money or acceptable surety given to the City for the construction of public infrastructure at a later time.

*Line payback agreement* means an agreement between an Owner or Developer and the City whereby the owner or developer will receive reimbursement of expenses at a future time for its construction of an extension of a water or sewer service line across the frontage of one or more benefiting parcels of land and such benefiting parcels will receive a value from the construction as a result of connecting to City water or sewer service.

*Line payback agreement notice* means is a document intended solely to provide notice of public infrastructure improvements constructed by others across the frontage(s) of a parcel indicating and that a future charge may need to be paid to the City in order to connect to City water or sewer service in accordance with a line payback agreement. the amount of line payback charge.

*Line payback charge* means is the amount of money a developer or owner must pay to the City for his share of all costs for water or sewer lines benefiting his parcel.

*Maximum reimbursement amount* means is the amount of the total cost for that portion of the extension of a water or sewer line from which persons benefited by the extension, other than the developer, will be served.

*Offsite* means all portions of a water or sewer line that do not share frontage with the property being developed.

*Owner or builder* means a person who owns or leases real property within the City acting as a contractor in constructing any improvement upon the real property, which real property as improved is held by such person for his use or for rental, lease, or sale purposes.

*Oversizing agreement* means is a reimbursement payment to a developer for installing, at the direction request of the City, water or sewer lines that are larger in diameter than what is necessary to provide service to the property.

*Publicly Owned Treatment Works* means the portion of the sewer system owned by the City but does not include sewer laterals.

*Public utility easement* means land which by conveyance of easement is dedicated to the public for the City's ownership and maintenance of a utility line and associated appurtenances.



Public potable water distribution system means the portion of the of the water distribution system that is owned by the City but does not include the water service line.

*Right-of-way* means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.

Water and/or sewer easement means property which is dedicated to the City in whole or in part for access to water and/or sewer line(s) and associated appurtenances.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-212. - General policy.

- (a) There is established a policy and orderly program for extension of the services and facilities of the City's water and sewer system to serve and provide for areas inside and outside of the City's corporate limits for which City water or sewer service is available and to provide for extension participation programs, the development of line payback agreements, the collection of line payback charges, and for compensating developers when the City requests the oversizing of water and/or sewer lines. The elements of the extension policy and program set forth in this article shall apply to all extensions of the City water and sewer systems.
- (b) Any request for water or sewer extensions shall be made to the City's Water Resources Division. Upon satisfactory compliance with the provisions of this article, the division director of Water Resources or designee may authorize and execute a line payback agreement, and/or an extension participation agreement, and/or an oversizing reimbursement agreement.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-213. - Plan.

Upon development of any property, area or subdivision within the City limits or of any property, area or subdivision outside of the City limits for which City water or sewer service is desired and available, the developer shall:

- (1) Submit a plan for the water and sewer systems prepared by a professional engineer licensed in this state.
- (2) Comply with all applicable City standards and design policies.
- (3) Obtain approval of the plan from the City.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-214. - Extensions.

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- (a) Before an encroachment permit is issued for the extension of any water or sewer line to serve any privately owned real property, the developer or owner desiring such extension shall submit the following:
  - (1) A diagram of all property which will be benefited by any line to be installed.
  - (2) A statement that the City acquires ownership of any line and appurtenances upon completion and acceptance of the work by the City.
  - (3) A statement that the City's cost for inspecting the work shall be paid by the developer or owner through the issuance of an encroachment permit.
- (b) The information required in paragraph (1) of subsection (a) necessary to complete the permit shall be provided by the developer or owner at his expense.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-215. - Line payback agreements.

- (a) Thirty (30) days prior to start of construction of an extension of any water or sewer line to serve any privately owned real property with a Single-Family dwelling, a Developer desiring a line payback agreement with the City shall provide the following to the Water Resources Division:
  - (1) An 11-inch by 17-inch size copy of the approved plans;
  - (2) Three independent bids that contain the contractor's itemized construction costs for the water or sewer line extension, and the engineering design costs;
  - (3) A diagram of all property which will be benefited by the line installed including the assessor's parcel numbers, a legal description of each affected parcel, and frontage lengths;
  - (4) A formal request to the City on a form provided by the City for funding of the construction;
- ~~(a) Within sixty (60) days after the City has accepted the extension of any water or sewer line to serve any privately owned real property, a Developer desiring a line payback agreement with the City shall provide the following to the Water Resources Division:~~
  - ~~(1) A copy of the "letter of acceptance" issued by the Planning and Zoning Department stating that the improvements conform to the approved plans and specifications.~~
  - ~~(2) A half size copy of the approved as-built construction drawings indicating actual facilities installed.~~
  - ~~(3) Receipts identifying actual design and construction costs, and proof that payment was made by the Developer.~~
  - ~~(4) A diagram of all property which will be benefited by the line installed including the assessor's parcel numbers, a legal description of each affected parcel, and frontage lengths.~~
- (b) The request for a proposed line payback agreements shall state to whom reimbursements shall be made and shall include a diagram of the properties and respective amounts of the line payback charges proposed to be collected from each property based on the cost per linear foot of frontage or such other equitable method of spreading the costs as the circumstances may dictate.
- (c) Proposed Line payback agreements shall state the cost of water or sewer lines installed by a Developer or owner from which others may be served. Construction and design costs shall be submitted to the Water Resources Division in writing by the Developer or owner and must be determined to be reasonable based on current circumstances.

- (d) Subject to any guidelines or policies that may be implemented by the Water Resources Division, Developer shall use reasonable efforts to obtain the written consent of ~~notify~~ all benefitted property owners in advance of construction to the that a line payback agreement will be proposed to the City and that, if accepted, a notice of line payback agreement identifying each benefitted parcel will be recorded with the County Recorder upon the project completion. However, if not all property owners subject to the proposed line payback agreement consent, the following notice and hearing requirements are required before approval and recordation: This initial notification shall include the following:
- (1) A letter explaining the line payback assignment. Developer shall prepare a statement which identifies the overall cost of the improvements for which a payback agreement is sought with an itemization of the percentage of private benefits for each benefitted lot.
  - (2) The proposed line payback agreement and line payback agreement notice with information on the benefitted parcels and the respective costs of the future reimbursement.
  - (23) Upon approval from the City that the owner or developer has satisfied the requirements of section (1) and (2) above Developer shall then send by certified or registered mail to each affected property owner at the address appearing on the official records of the Maricopa County Assessor ~~the items listed in lines (1) and (2) above:~~ 1) a copy of the proposed line payback agreement, 2) the information submitted pursuant to subsections (a) & (d)(1), and 3) a notice to each property owner that if the property owner desires to contest the applicability or appropriateness of the payback agreement, if the property owner of a benefitted parcel objects to either the cost allocation or any other procedural aspect of the line payback agreement, the property owner must submit a written request for a hearing to the Water Resources Division within thirty (30) days of the date of mailing the notice. The notice shall contain the address and identification of a person or position designated by the Division to receive requests for a hearing.
  - (34) Within five days following this mailing, Developer ~~will~~ shall submit to the City a signed affidavit or declaration verifying this mailing and listing the names and addresses of all benefitted property owners to whom the notice was sent along with proof of the mailing. If no request for a hearing is received by the Water Resources Division within the time allowed, the Division may accept the proposed payback agreement as final.
  - (45) If a request for hearing is received from one or more affected property owners, the Division shall set the date, time, and location of an administrative hearing on the proposed agreement. The ~~Developer City~~ shall provide all affected property owners with notice of the hearing in the same manner as set forth in subsections (2) and (3) above.
  - (56) The Division Director of Water Resources or designee will hold an administrative hearing at the stated date and time to establish each benefitted property's share in the cost of the improvements associated with the requested payback agreement. Any affected property owner may appear and be heard at the hearing. At the conclusion of the hearing, the Director or designee may accept the line payback agreement as proposed or modify the allocation of percentages based on information received at the hearing. The Director shall issue a written decision within ten (10) business days of the conclusion of the hearing and a copy shall be mailed or e-mailed if requested to each affected property owner.
  - (67) Any affected property owner who appears at the hearing may appeal the determination of the Director to the City Manager by submitting a Notice of Appeal to the Water Resources Division within ten (10) business days of the date when the Director issues a written decision. The City Manager may review the Director's decision based on information and testimony submitted at the hearing or may, in his/her discretion, accept any additional information or testimony. If a notice of appeal is not timely submitted, the Director's decision shall become final. If an appeal is timely submitted, the decision of the City Manager on appeal shall be final.
  - (78) Once a decision is final, the results shall be used by the Water Resources Division to determine the maximum reimbursement amount to be included in the line payback agreement. The

Developer or assignee shall receive line payback charges within the payback period only from those property owners who tie into the line installed by Developer and thereby receive a benefit.

- (e) Any agreement providing for reimbursement of the Developer shall run for a maximum payback period of ten (10) years after the date of acceptance of the line for agreements recorded before November 3, 2007. Any agreement providing for reimbursement to Developers shall run for a maximum payback period of thirty (30) years for agreements entered between November 3, 2007 and June 30, 2018 and twenty (20) years after the date of acceptance of the line for agreements entered on or after July 1, 2018. At the end of the maximum period, as determined by the City, all benefits or rights accruing to the Developer shall terminate.
- (f) Within sixty (60) days after construction completion of an extension of any water or sewer line to serve any privately-owned real property with a Single-Family dwelling, the Developer desiring a line payback agreement with the City shall provide the following to the Water Resources Division:
  - (1) A copy of the "letter of acceptance" issued by Water Inspection Services stating that the improvements conform to the approved plans and specifications;
  - (2) An 11-inch by 17-inch size copy of the approved as-built construction drawings indicating actual facilities installed;
  - (3) Receipts identifying actual design and construction costs, and proof that payment was made by the Developer.
- (fg) Upon receipt of the administrative charge defined in subsection (h) below and execution of the line payback agreement, the City shall record the agreement with the Maricopa County Recorder, as to each property that is subject to the agreement together with a notice of payback, setting forth the terms of this agreement. Once the payback charges or the maximum period has elapsed, the City will record with the Maricopa County Recorder a release of the original notice of payback.
- (gh) The City shall establish a trust account for the collection of line payback charges and payment of reimbursements. Sums collected shall be paid in accordance with the terms of the agreement, and within ninety (90) days of receipt by the City.
- (hi) Line payback charges shall include a maximum simple interest rate equal to one (1) per cent plus the prime rate, as published by the board of governors of the Federal Reserve System, per month, or any portion thereof, from the date the payback agreement is recorded. This rate shall not change for the life of the reimbursement requirement. Provided, however, any affected property owner who elects to pay the entire amount charged to such owner's parcel within sixty (60) days of the payback agreement becoming final shall not be required to pay any interest.
- (ij) The City's cost of administration shall be paid by the Owner/Developer to the City prior to the execution of the line payback agreement. This administrative charge shall be five (5) percent of the total cost incurred by the Owner/Developer for the construction of the water and/or sewer lines from which persons other than the Developer will be served, with a maximum administrative charge of ten thousand dollars (\$10,000.00). Administrative charges will be distributed equally among the properties benefited if equal costs are applied to each parcel or based on the cost per linear foot of frontage.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-216. - Line payback charges.

When an existing line is to provide water or sewer service to a developer or owner, the required line payback charge, including all costs and interest, shall be paid to the City prior to:

- (1) The issuance of a permit authorizing connection to the public water or public sewer system.
- (2) The approval of a land division.

No person shall extend service from his tap to property for which a line payback charge has been recorded but has not been paid to the City without prior written approval from the City.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-217. - Assignability of agreements.

Any developer or owner may assign the benefits arising out of any water or sewer line payback agreement with the City, but any such assignment shall not relieve the developer or owner of its duties and obligations under the agreement. The assignment shall require the prior written approval of the Water Resources Division in accordance with section 49-227.

When the City makes payment to the developer or owner for an extension participation program, the developer or owner will assign to the City all benefits arising out of the applicable water or sewer line payback agreement.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-218. - Line payback agreements for main or trunk extensions by City.

If the City elects to install a line, it shall be entitled to prepare a line payback agreement with itself as set forth in this article.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-219. - Minimum requirements for lines.

~~Prior to connection to City water or sewer service, a minimum of one-half of an eight-inch sewer main or one-half of a six-inch water main shall be installed for the entire frontage of the parcel. In addition, corner parcels or other parcels with multiple frontages may be required to have or provide City sewer or water service lines on both or all frontages of the parcel. If the Water Resources Division determines that line extension is not practicable, All property for which the requirement for City water or City sewer service may be waived is desired shall, as a minimum requirement of service, be provided with, as a portion of the City system, a minimum of one-half of an eight inch sewer main or one-half of a six inch water main for the entire frontage of the parcel, which will require providing lines on both frontages of the property if the property is a corner parcel, or all frontages of the property if multiple frontages occur. See Code Sections 49-215 and 49-227 regarding line paybacks and City participation program.~~

The division director of Water Resources or designee may waive the requirement that a developer construct a water or sewer line ~~along~~for the entire frontage of a parcel if the City, in its sole judgment, determines that the water or sewer line should not be extended or is not needed to provide service to users beyond the property.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-220. - Oversizing agreements.

Oversized lines may be required by the City to adequately support current or future water demands or wastewater flows. In such instances, the following applies:

- (1) If the City requires that a line larger than that required by the applicant to serve his property be installed, the City may pay for the cost difference between the size the developer or owner requires and the size the City requires, provided there are sufficient funds in the capital improvements budget; should there not be sufficient funds, the City shall have no responsibility or requirement to pay for oversizing and, the extension of the line cannot be installed unless the developer or owner pays both the cost of the line and the cost for oversizing. Oversizing costs are not reimbursable through line payback charges or the extension participation agreement.
- (2) If the City will pay for oversizing, the City and developer/owner shall enter into an oversizing agreement that shall set forth the proportionate costs to be paid by the City and the developer or owner.
- (3) An agreement may be entered into at the City's option to consider the additional cost of oversizing as a prepayment of a portion or all of the development fees required in sections 49-74 and 49-74.1.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-221. - Dedication of right-of-way.

No public water or public sewer facilities shall serve any parcel of land unless the facilities are located within a dedicated easement or right-of-way.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-222. - Payment of administrative costs.

Separate accounts shall be established for all extension monies paid to the City for eventual reimbursement to the developer or owner. Authorized employees shall make payment in accordance with the terms of the executed line payback agreement.

(Ord. No. 2623, § 2, 12-20-93; Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-223. - Wastewater treatment plants.

The 91st Avenue Wastewater Treatment Plant Expansion Facility Plan, dated February 19, 1980, which was declared to be a public record by the provisions of Resolution No. 2060 is adopted by reference.

(Ord. No. 2623, § 2, 12-20-93)

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**Charter reference**— Adoption by reference, art. 7, § 12.

**State Law reference**— Adoption by reference, A.R.S. § 8-901 et seq.

Sec. 49-224. - Offsite extension requirements for water and sewer lines.

- (a) When a public water or sewer line is available to the nearest corner of the property being developed, that line shall be extended to serve the property, and may be eligible for extension participation (Sec 49-227). The following conditions must be met:
  - (1) The line shall be extended across all frontages of the property. The Water Resources division may modify this requirement.
  - (2) The developer or owner is responsible for all costs to construct the water and/or sewer line.
- (b) If the requirements are met, the developer or owner may request the following:
  - (1) Applicable oversizing (Sec. 49-220) and line payback agreements (Sec. 49-215) per this article.
  - (2) Request consideration for a City extension participation program (Sec. 49-227).
- (c) When a City permit has been issued to extend a water or sewer line to within ~~six~~<sup>sixty</sup> 500 hundred ~~sixty~~ 500 feet of the nearest corner of the property being developed, and a public water or sewer line is determined to be available, that line shall be extended to serve the property. The provisions of subsections (a)(1) and (2) and subsections (b)(1) and (2) apply.
- (d) When a public water or sewer line is located greater than ~~six~~<sup>sixty</sup> 500 hundred ~~sixty~~ 500 feet from the nearest corner of the property being developed, but is otherwise available, that line may be extended to serve the property up to and across all frontages of the property. The provisions of subsections (a)(1) and (2) and subsections (b)(1) and (2) apply, ~~but no portion of the water or sewer line is eligible for a City extension participation program.~~

(Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-225. - In-lieu payments.

The City may authorize collection of an in-lieu payment for compliance with an extension requirement when the City solely determines such action is appropriate. Payment shall be made based on current costs of capital projects and include appropriate design, construction, administration, and inspection fees and a contingency.

(Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-226. - Approval of public extensions.

The City must approve the design, engineering, and construction of all extensions to the City's water and wastewater systems provided for under this article. Each public extension shall be designed and constructed so that the system may be readily expanded and, where feasible, connected to other lines in the City's system.

(Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)



Sec. 49-227. - Extension participation program.

If a Developer ~~or Owner intends to extend~~ has extended a water and/or sewer line, and ~~intends to~~ has entered into a line payback agreement with the City, the Developer/Owner may request that the City consider accepting an assignment of a line payback agreement in return for funding a designated amount of the line payback agreement. City funds for the extension participation program are distributed on a first-come first-served basis and are subject to availability.

(a) *Eligibility:*

- (1) The City participation program will be available for applicable public water main and/or sewer collection line extensions accepted by the City on or after November 3, 2007.
- (2) The program is limited to Developers ~~or Owners~~ required to extend available offsite public water and/or sewer lines to provide service to a ~~single-family~~ residence. New subdivisions, commercial, ~~lot splits~~ and industrial developments are not eligible. The City may consider extension participation for the first ~~sixty~~ sixty hundred ~~sixty~~ sixty (660500) feet of water and/or sewer line installed to serve properties located beyond ~~sixty~~ sixty hundred ~~sixty~~ sixty (660500) feet from available water and/or sewer lines if funds are available.
- (3) A Developer ~~or Owner~~ must submit a written request as application for inclusion in the extension participation program to the Water Resources Division ~~prior to construction as set forth in Section 49-215~~ within sixty (60) days after the City has issued a permit for construction of a water or sewer line. The written request shall include the contractor's itemized construction costs for the water or sewer line which will serve as a basis for eligibility. The City shall then process the request within sixty (60) days of receipt and make a decision based on eligibility and funds availability. The application date shall be that date on which the written request is received by the Water Resources Division. The decision concerning eligibility by the Water Resources Division is final.
- (4) If the Developer ~~or Owner~~ is determined by the City to be eligible for the City participation program, but there are no funds available for the remainder of that budget year, the Developer's/Owner's eligibility shall be carried over into the next budget year. Funding for the new budget year shall begin in chronological order thereafter, beginning with the oldest and proceeding to the most recent application date. Nothing contained herein shall be construed as requiring funding in the new budget year if there are no funds available for the program. If funding is available, the City shall attempt to contact the Developer/Owner at the mailing address listed on the application. If the Developer/Owner fails to notify the City of its acceptance of the offer of funds within one hundred eighty (180) days after the date of the notice, the offer of funds will be considered withdrawn and the funds will pass to the next eligible Developer/Owner in chronological order. The Developer/Owner shall keep its current mailing address on file with the Water Resources Division. The City shall have no obligation to make any efforts to locate the current mailing address of the Developer/Owner, and may rely on the most current mailing address on file with the Division.

(b) *City participation-*. City participation, if approved, shall be conditioned on the following:

- (1) The Developer/Owner is initially responsible for all costs to construct the lines.
- (2) The Developer/Owner shall prepare and submit to the City all line payback agreement materials described in section 49-215 ~~(a)(1) through (3)~~, and the agreement must be approved and recorded.
- (3) If funds are available,
  - (i) The City will reimburse the Developer/Owner for the applicable costs associated with each line payback agreement up to a maximum amount of two hundred thousand dollars (\$200,000.00) for both water and sewer line extensions combined.

- (ii) The Developer/~~Owner~~ will assign ownership of the line payback agreement to the City and the agreement will be re-recorded showing the City as the recipient of the line payback charges.
- (4) If funds are not available:
  - (i) The Developer/~~Owner~~ can delay its proposed construction, or
  - (ii) The Developer can request to be placed on a waiting list until funds become available and proceed to construct improvements (if the developer or owner elects to proceed, it is at his own risk), or
- (5) The City will not make payment of any accrued, but unpaid interest to a developer or owner when the City accepts assignment of a line payback agreement.
- (6) If the Developer has received reimbursement from the City up to the full limit of two hundred thousand dollars (\$200,000.00), the line payback agreement assigned to the City will extend only to the developer or owner's lot line that is closest to the existing water and/or sewer lines. ~~If the developer or owner must extend the water and/or sewer line across his frontage and/or that of additional adjacent lots, upon completion and payment for these additional line extensions, the developer or owner may submit to the City for a second line payback agreement to provide to the developer or owner reimbursement for this additional line extension under the normal line payback program.~~
- (c) ~~Funding~~. Nothing contained herein shall be construed to require that funds will be available during any budget cycle.

(Res. No. 7368, § 1, 10-2-07; Ord. No. 3755, § 1, 10-2-07; Ord. No. 4077, § 1 (Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1 (Res. No. 10799, § 1 (Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1 (Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Secs. 49-228—49-230. - Reserved.

#### ARTICLE VI. - INSPECTIONS

Sec. 49-231. - Authority to enforce standards.

- (a) The division director of Water Resources shall enforce the provisions of this chapter, and he may appoint such assistants, inspectors or other employees as are necessary to carry out the functions of the Water Resources Division and to enforce the provisions of this chapter. The division director of Water Resources is hereby authorized and directed to make inspections of users' water systems in the normal course of job duties; or, in response to a complaint that an alleged violation may exist; or, when there is reason to believe that a violation of this chapter has been or is being committed. If the premises or building in which the users' water system is located is occupied, the division director of Water Resources shall present credentials to the occupant and request entry. If the premises or building is unoccupied, the division director of Water Resources shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or building and request entry. If entry is refused, the division director of Water Resources has recourse to every remedy provided by law to secure entry.
- (b) When the division director of Water Resources shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or person having charge, care, or control of any premises or building shall fail or neglect, after proper request is made as herein provided, to promptly permit entry herein by the division director of Water Resources for the purpose of inspection and examination pursuant to this chapter.

(Ord. No. 3178, §§ 14—16, 10-5-98; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Secs. 49-232—49-240. - Reserved.

## ARTICLE VII. - WATER CONSERVATION

### DIVISION I. - WATER CONSERVATION

#### Sec. 49-241. - Definitions.

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

*Acre-foot of water* means that quantity of water required to cover one (1) acre of land one (1) foot deep, three hundred twenty-five thousand, eight hundred fifty-one (325,851) gallons.

*Active recreational area* means an area designated and primarily used for organized sports such as softball, baseball, football, soccer or a similar related sport other than golf courses, including all amenities related to the activity.

*ADWR* means the Arizona Department of Water Resources.

*Applicant* means the owner of record of a property which receives City water and or sewer service or a person who is responsible for the payment of the utility bill.

*Body of water* means any artificially constructed lake, pond or lagoon, regardless of size.

*Division* means the City of Scottsdale Water Resources Division.

*Division director* means the division director of Water Resources or designee.

*Escaped water* means the pumping, flow release, escape or leakage of any water from any pipe, valve, faucet, connection, diversion berm, well, or any facility for the purposes of water supply, transport, storage, disposal, or delivery onto adjacent property or public right-of-way.

*Lot* means a legally created parcel of land occupied or intended for occupancy by one (1) or more main buildings together with accessory buildings.

*Model home* means a facility used exclusively for the promotion and sale of homes similar to the model.

*Person* means an individual, partnership, firm, company, corporation, association, limited liability company, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

*Right-of-way* means land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.

*Salinity reduction* means reducing dissolved salt content in wastewater discharged into the City's wastewater system.

*Self-regenerating ion exchange water softener* means a device that treats hard water by exchanging calcium and magnesium ions with sodium or potassium ions and discharges saline water or brine into the City's wastewater system.

*Turf* means a surface layer of earth containing grass with its roots.

*Turf-related facility* means a school, public recreational facility, cemetery, golf course, industrial park or common area of a housing development that applies water from any source, including effluent, to ten (10) or more acres of land.

*Water feature* means any fountain, pond, water course, waterfall, or other artificial water structure of any kind filled or refilled with water from any source other than a swimming pool.

*Water intensive landscaping* means an area of land that is watered with a permanent water application system and planted primarily with plants not listed in the Phoenix AMA Low Water Use Plant List. Included is the total surface area of all water features (i.e. swimming pools of any size, water features, ponds, water courses, waterfalls, and other artificial water structures) filled or refilled with water from any source.

*Water waste* means the non-beneficial use of water provided by the City water supply system.

(Ord. No. 2318, § 2, 12-17-90; Ord. No. 2927, § 1, 10-14-96; Ord. No. 3121, § 1, 03-16-98; Ord. No. 3178, § 4, 10-05-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-242. - Limitation on water features for commercial users, new industrial users and common areas of residential developments.

- (a) No person shall place into operation after July 1, 2016, any water feature that either sprays water into the air in a fine mist or sprays or drops water into the air in excess of six (6) feet in vertical height.
- (b) Any person installing a water feature must provide a water feature plan to the City and obtain a permit before commencing construction.
- (c) Non-Residential water features shall only be operational during normal business hours.
- (d) Water features must use potable water unless approved by the Water Resources Director or designee.
  - (1) Landscape irrigation water is prohibited.
  - (2) Discharge of water into streets and alleys is prohibited.
- (e) Water features location and siting shall:
  - (1) Allow for significant environmental enhancement to on-site users, used to cool surrounding area and mask objectionable noises. (Allowable examples: courtyards and restaurant seating areas.)
  - (2) Not be visible from the street and be outside of City rights-of-way unless approved by the Water Conservation Office.
- (f) Water features must be:
  - (1) Designed to use equipment and materials that will minimize leakage throughout the life of the water feature.
  - (2) Designed and installed with a reduced pressure principle backflow prevention assembly as per the current standard detail adopted by the City of Scottsdale Standards and Specifications Committee.
  - (3) Designed with catch basins that will maximize the amount of water recycled.

- (4) Equipped with wind shut-off valves to reduce over-spray.
- (5) Equipped with recirculating pump.
- (6) Separately metered if using more than one thousand (1,000) gallons of water per day.
- (g) Exclusions from requirements of this Section:
  - (1) One Hundred percent (100%) use of recycled or reclaimed water.
  - (2) Any system that injects or drops water into the air solely for the purpose of cooling a confined air space.
  - (3) Water parks.
  - (4) Water features located indoors.
  - (5) Single-family residential properties.

(Ord. No. 2318, § 2, 12-17-90; Ord. No. 3161, § 5, 6-15-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-243. - Water conservation rebate programs.

- (a) The Water Resources Division director or designee shall administer this conservation program.
- (b) To qualify for a rebate, the applicant must satisfy the following general requirements:
  - (1) Comply with the procedure stated in the most current rebate application form available from the Water Conservation Office.
  - (2) Own the property or be responsible for payment of the utility bill.
  - (3) Apply and receive a rebate for a property that receives City water or wastewater service.
  - (4) Provide proof of purchase, proof of removal and/or allow for inspections during normal business hours prior to disbursement of rebate funds.
- (c) All rebates will be paid in the form of a credit applied to the property's active utility account unless otherwise designated. The total dollar amount of rebates issued in any fiscal year shall not exceed the maximum amount of funds budgeted for such rebates. The City reserves the right to adjust the amounts of the rebates and has no obligation to ~~adjust rebated amounts from previous years or to fund such a rebate program in future fiscal years.~~
- (d) Rebate programs available:
  - (1) *Toilet.* ~~The rebate for installing a WaterSense labeled toilet for a Single-Family property is limited to the actual cost of the toilet or seventy-five dollars (\$75.00) per toilet, whichever is less, and is limited to two (2) toilets per property per year. Rebates for Multi-Family, common areas of residential development and commercial properties are limited to the actual cost of the toilet, total number of toilets installed on the property or two hundred-fifty dollars (\$250.00) per toilet, whichever is less, and are limited to one hundred (100) toilets per property per year. Single family properties are limited to two (2) toilet rebates.~~
  - (2) *Urinals.* The rebate for installing a WaterSense labeled or a waterless urinal is limited to actual cost of the urinal or two hundred dollars (\$200.00) per urinal, whichever is less. Rebates for Multi-Family, common areas of a residential development and commercial properties are limited to ~~fifty (50) urinals per property per year or to the total number of urinals installed on the property, whichever is less.~~ Single-family properties are limited to two (2) urinal rebates.

- (3) *Showerheads.* The rebate for installing a WaterSense labeled showerhead is limited to actual cost of the showerhead or twenty-five dollars (\$25.00) per showerhead, whichever is less. Rebates for ~~mMulti-Family~~ common areas of a residential development and commercial properties are limited ~~to one hundred (100) showerheads per property per year or to the total number of showerheads installed on the property, whichever is less.~~ Single-family properties are limited to two (2) showerhead rebates.
- (4) ~~Turf, Pool and Spa removal for Single-Family residential customers.~~ The rebate is for the removal of ~~turf, in-ground swimming pools and/or spas from the landscape. The Water Conservation staff or designated representative must verify the removal area eligibility prior to removal commencement. The rebate amount is \$50 one dollar (\$1.00) per square foot of turf or water surface area for pools and/or spas, and is limited to no more than one thousand five hundred dollars (\$1,500.00) per rebate. Properties are limited to one turf and one pool and/or spa removal rebate.~~
- (5) ~~Turf removal and landscape installation for commercial, multifamily and common areas of residential developments. The rebate contains two (2) sections: Single-Family residential and Commercial. Multi-Family and common area turf is for the removal of:~~
- ~~a. Single-Family residential: a minimum of two thousand (2,000) five hundred (500) square feet of turf removal and installation of City approved low water use landscaping. Water Conservation staff or designated representative must verify eligibility prior to turf removal. Plan approval by Planning and Development Services is required. The rebate amount is calculated based upon conversion costs, one dollar (\$1.00) per square foot of turf removed and is limited to no more than five thousand dollars (\$5,000.00) per rebate per property. Properties are limited to one (1) rebate per calendar year. Properties are limited to three (3) rebates.~~
- ~~b. Commercial Multi-Family and common areas: A minimum of two thousand (2,000) square feet of turf removal and installation of City approved low water use landscaping. Water conservation staff or designated representative must verify eligibility prior to turf removal. Plan approval by Planning and Development Services is required. The rebate amount is calculated based upon conversion costs and is limited to:~~
- ~~No more than ten thousand dollars (\$10,000) per rebate per property for turf removal of up to ten thousand (10,000) square feet. Properties are limited to one (1) rebate per year and a total of two (2) rebates.~~
- ~~No more than twenty thousand dollars (\$20,000) per rebate per property for turf removal of greater than ten thousand (10,000) square feet. Properties are limited to one (1) rebate.~~
- (6) *Irrigation controller.* The rebate is for installing a new WaterSense labeled irrigation controller. The rebate amount ~~per Single-Family property~~ is limited to actual cost of the irrigation controller or two hundred fifty dollars (\$250.00) per controller, whichever is less ~~and limited to one (1) irrigation controller per property.~~ Rebates for ~~mMulti-Family~~ common areas of a residential development and commercial properties are limited to ~~actual cost of the irrigation controllers or a maximum of four hundred dollars (\$400.00) per controller, whichever is less and limited to fifty (50) the total number of irrigation controllers or to the total number installed on the property whichever is less.~~ Single family properties are limited to one controller rebate.
- (7) *Salinity reduction-water softener removal.* The rebate is offered for disconnecting and removing self-regenerating ion exchange water softeners. The rebate amount is limited to two hundred fifty dollars (\$250.00) per water softener. Rebates for ~~mMulti-Family~~ common areas of a

residential development and commercial properties are limited to the total number of connected water softeners. Single-family properties are limited to one rebate.

- (a) Any applicant who accepts a water softener removal rebate shall not thereafter install a self-regenerating ion exchange water softener at the same property for a period of at least five years.
- (b) Within twelve (12) months of the acceptance of an applicant's rebate, division employees may inspect the applicant's property to confirm compliance with the City's rebate program. An applicant who refuses to permit such an inspection will forfeit the rebate.
- (c) The Water Resources Division or its designated representative is authorized to inspect and confirm, as applicable, the disconnection and removal of an ion exchange water softener and to conduct inspections.
- ~~(d) No salinity reduction rebates will be granted for program options undertaken prior to July 1, 2014.~~

(Ord. No. 2329, § 1, 11-18-91; Ord. No. 2472 § 1, 9-14-92; Ord. No. 3178, § 7, 10-5-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-244. - Reserved.

**Editor's note**— Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), adopted May 17, 2016, repealed § 49-244 which pertained to water application systems and derived from Ord. No. 2318, § 2, adopted Dec. 17, 1990; Ord. No. 3178, § 5, adopted Oct. 5, 1998; Ord. No. 3409, adopted Nov. 26, 2001; and Ord. No. 3621, § 1A, adopted July 5, 2005.

Sec. 49-245. - Limitation on water intensive landscape/turf areas within new ~~Non-Residential~~ residential facilities.

- (a) The following types of facilities shall limit the water intensive landscape/turf area within the landscapable area to the following percentages:
  - (1) Schools—Fifteen (15) percent of total lot. All of the remaining area shall consist of plants listed on the ADWR low-water use plant list.
  - (2) Churches—Twenty-five (25) percent of total lot. All of the remaining area shall consist of plants listed on the ADWR low-water use plant list.
  - (3) Resorts (including hotels and motels)—Ten (10) percent of the first nine thousand (9,000) square feet and eight and one-half (8.5) percent of the remainder of the total lot. At least ninety-five (95) percent of the remaining area shall consist of plants listed on the ADWR low-water use plant list.
- (b) Designated active recreational areas shall not be considered as part of the lot and shall not be considered in determining compliance with this restriction.
- (c) Cemeteries—Seventy-five (75) percent of their total operating facility area, excluding parking lots. Expanded portions of a cemetery are excluded if the ownership of the expanded portion is the same ownership as the cemetery as of December 31, 1984.
- (d) Schools, cemeteries, golf courses, common areas of housing developments and public recreational facilities with water intensive landscape/turf greater than or equal to ten (10) acres are exempt from



this provision because they are regulated as a large turf facility under the current ADWR management plan for the Phoenix Active Management Area.

(Ord. No. 2318, § 2, 12-17-90; Ord. No. 3161, § 2, 6-15-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), 5-17-16)

Sec. 49-246. - Limitation on water intensive landscape/turf acreage for new commercial users, new industrial users and common areas of residential developments.

- (a) All new commercial users and new industrial users shall limit water intensive landscape/turf area to the following percentage:
  - (1) If the area of the lot is nine thousand (9,000) square feet or less, the water intensive landscape/turf acreage shall be limited to an area equal to ten (10) percent of the total lot.
  - (2) If the area of the lot is larger than nine thousand (9,000) square feet but less than or equal to forty-three thousand five hundred sixty (43,560) square feet (one (1) acre), the water-intensive landscape/turf area shall be limited to an area equal to ten (10) percent of the first nine thousand (9,000) square feet and five (5) percent of the remainder of the lot. If the total lot exceeds forty-three thousand five hundred sixty (43,560) square feet, no additional water-intensive landscape/turf acreage shall be permitted.
- (b) For residential common areas, the water intensive landscape/turf area shall be limited to ten (10) percent of the first nine thousand (9,000) square feet and five (5) percent of the remainder of the lot. If the total lot exceeds two hundred seventeen thousand eight hundred (217,800) square feet or five (5) acres, no additional water intensive landscape/turf area shall be permitted. Excluded from this calculation shall be areas used for active recreational areas.
- (c) All plant material used (excluding those in the water intensive landscape/turf area) must be low water-use plants listed on the ADWR most current low water use plant list.
- (d) No water intensive landscape/turf shall be permitted in the public right-of-way.

(Ord. No. 2318, § 2, 2-17-90; Ord. No. 3161, § 3, 6-15-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), 5-17-16)

Sec. 49-247. - Limitations on model home landscaping.

- (a) All new ~~single-family~~ model homes shall limit their water intensive landscape/turf area to the following percentage of the total lot area:
  - (1) If the area of the lot is nine thousand (9,000) square feet or less, the water intensive landscape/turf square footage shall be limited to an area equal to ten (10) percent of the total lot.
  - (2) If the area of the lot is larger than nine thousand (9,000) square feet but less or equal to forty-three thousand five hundred sixty (43,560) square feet (one (1) acre), the turf area shall be limited to an area equal to ten (10) percent of the first nine thousand (9,000) square feet and five (5) percent of the remainder of the lot area. If the total lot area exceeds forty-three thousand five hundred sixty (43,560) square feet, no additional turf area shall be permitted.
- (b) Water intensive landscape/turf shall only be located in rear yards and play areas.
- (c) All plant material used (excluding those in the water intensive landscape/turf area) must be low water-use plants listed on the ADWR most current low water use plant list.
- (d) No water intensive landscape/turf shall be permitted in the right-of-way.

(Ord. No. 3161, § 4, 6-15-98; Ord. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), 5-17-16)

Sec. 49-248. - Reserved.

**Editor's note**— Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), adopted May 17, 2016, repealed § 49-248 which pertained to conservation plans upon establishment of service to new ~~non-residential~~ residential customers and derived from Ord. No. 2318, § 2, adopted Dec. 17, 1990; Ord. No. 3178, § 6, adopted Oct. 5, 1998; and Ord. No. 3409, adopted Nov. 26, 2001.

Sec. 49-249. - Leakage, escape of water prohibited.

- (a) No person shall willfully or negligently permit or cause the escape or flow of water from the water user's plumbing system or potable irrigation distribution system in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to such traffic, or cause damage to City rights-of-way through failure or neglect to properly operate or maintain any irrigation structure, delivery ditch, or waste ditch for any period of time after such escape of water should have reasonably been discovered and corrected.
- (b) No person shall willfully or negligently fail to accept flood irrigation water after it has been ordered or fail to maintain proper landscape grading to retain water on property.
- (c) No person shall flood irrigate property in a manner which results in the overflow of irrigation waters.

(Ord. No. 3178, § 8, 10-5-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4260, § 1(Res. No. 10449, § 1, Exh. A), 5-17-16; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-250. - Violations.

- (a) For a first violation of any provision of this section, the City shall issue a written notice of first violation and provide educational materials on water conservation, including a copy of the relevant provisions of this chapter, to the water user violating the provisions of this section. The City shall give the water user a reasonable period of time to correct the violation.
- (b) For a second violation of any provision of this section, the City shall issue a written notice of second violation delivered by certified mail to the water user requiring correction of the violation within a reasonable period of time.
- (c) For third violation of any provision of this section, the City shall issue a written notice of third violation to the water user imposing a fifty dollar (\$50.00) fine. The fine shall be added to the water user's account. Failure to pay any portion of a water user's account, including any fines imposed pursuant to this section, shall subject said account to termination of water service in accordance with the provisions of this section.
- (d) For a fourth or subsequent violation of this section, the City shall impose a fine equal to twice the average monthly billing for the immediately preceding six-month period for the meter through which the wasted water was supplied. The fine shall be added to the water user's account. Failure to pay any portion of a water user's account, including any fines imposed pursuant to this section, shall subject said account to termination of water service. In addition to any fine imposed, the City may also terminate water service to the water user. The City shall not restore service until the division director of Water Resources or designee has determined that the water user has provided

reasonable assurances that future violations of this chapter by such user will not occur. In addition, the division director of Water Resources or designee may require a security deposit.

- (e) In addition to the remedies set forth above, the City may seize equipment, line, fountains and other devices which are operated in violation of this Code, until the fine is paid. The City may dispose of these items if the fine is not paid in six (6) months from the date the equipment was confiscated.

(Ord. No. 3178, § 8, 10-5-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

#### Sec. 49-251. - Conservation waivers.

The division director of Water Resources may grant a waiver from indoor conservation code requirements, but only when the special character of a structure necessitates it, such as when a building has official historical status.

(Ord. No. 3409, 11-26-01; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14)

#### Sec. 49-252. - Right to hearing.

Any person against whom a penalty is levied under this article VII or who objects to a City decision under article V of chapter 49 shall have a right to a hearing before the division director of Water Resources or designee. The request for hearing must be made to the division director of Water Resources or designee and must be received no later than forty-five (45) days after the penalty is levied or the final written decision is made. Once the request for hearing has been acknowledged by the City, payment of the penalty charge or action on the final decision is not required until a determination is made. The hearing shall not be conducted in accordance with the formal Rules of Evidence. Testimony may be taken under oath, with the right to cross-examine witnesses. The decision of the division director of Water Resources or designee shall be final.

(Ord. No. 3178, § 11, 10-5-98; Ord. No. 3409, 11-26-01; Ord. No. 3621, § 1A, 7-5-05; Ord. No. 3849, § 2, 5-19-09; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

### DIVISION II. - DROUGHT MANAGEMENT

#### Sec. 49-253. - Scope.

The provisions of this division shall apply to all persons, customers, and property served by the City of Scottsdale Water Resources Division.

(Ord. No. 3516, § 3, 6-17-03; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-254. - Declaration of policy.

It is hereby declared that, because of the conditions sometimes prevailing in Arizona, the general welfare of the City requires that the waste or unreasonable use, or unreasonable method of use of water be prevented. Water waste is a public nuisance, especially in times of drought.

(Ord. No. 3516, § 3, 6-17-03; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-255. - Purpose.

The City will use intensive public education to assist customers impacted by the shortage to understand the alert and the City's need for voluntary compliance. In addition to education, the City may use enforcement measures to curb water misuse. No person shall use, or permit the use of, City water resources for purposes contrary to this article or a drought management plan. A copy of the updated "Drought Management Plan (2015-2019)", and dated February 3, 2015, is available in the City Clerk's Office or the Administrative Offices of the Water Resources Division.

(Ord. No. 3516, § 3, 6-17-03; Ord. No. 4189, § 1, 2-3-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-256. - City Manager; drought management plan implementation.

- (a) The City Manager shall direct the director of Water Resources to promulgate the drought management plan previously approved by the City Council containing regulations setting forth the criteria for implementation and termination of various water use reduction stages.
- (b) The City Manager is authorized to declare a drought, and authorize implementation of the drought management plan, in response to events including, but not limited to, the following: the Salt River Project or the Central Arizona Water Conservation District announces reductions in supply, or an insufficient supply appears likely due to water system limitations or structural failure.
- (c) Such declaration may designate the entire area served by the City of Scottsdale Water Resources Division, or a portion of it if the shortage is not system-wide.
- (d) Upon declaring a drought, the City Manager may direct the Water Resources Division to implement stage one of the conservation regulations. The City Manager may update these regulations from time to time. If the director of the Water Resources Division recommends that the City implement stage two, three or four of the conservation regulations, the City Council shall authorize the implementation of stage two, three or four. Once authorized by the City Council, the City Manager shall direct the Water Resources Division to implement stage two, three or four as authorized by the City Council.
- (e) The City Manager may terminate the Stage One drought declaration when the director of the Water Resources Division advises that the conditions that triggered it no longer exist. The City Council shall terminate the stage two, three or four drought declaration when the City Manager advises that the conditions that triggered it no longer exist.

(Ord. No. 3516, § 3, 6-17-03; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4189, § 2, 2-3-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-258. - Notification and publication.

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If the City Manager determines that the health and safety of the City dictate implementing the drought management plan, notification shall be published in a paper of general circulation, to educate the public about the need for the plan and give them notice of conservation regulations and requirements of the applicable stage of the plan. A copy of the drought management plan shall also be available for inspection at the City Clerk's office, and the Water Resources Division administrative office during normal business hours.

(Ord. No. 3516, § 3, 6-17-03; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17; Ord. No. 4338, § 1(Res. No. 11080, § 1, Exh. A), 5-22-18, eff. 7-1-18)

Sec. 49-259. - Enforcement.

- (a) The City Manager or designee shall have authority to take actions to enforce any mandatory elements that are part of drought management plans.
- (b) The City may impose a surcharge on water consumed in excess of the amount prescribed by the drought management plan in place at the time.
- (c) A written notice shall be placed on the property when a violation occurs, and a duplicate mailed to the account holder responsible for the service to the property where the violation took place. The notice shall describe the violation and order that it be abated immediately.
- (d) For subsequent violations, the City Manager or designee may request the issuance of citations in accordance with the provisions of SRC § 49-33 through 49-40.
- (e) Funds generated by the fines shall be used to mitigate the impact of the drought.

(Ord. No. 3516, § 3, 6-17-03; Ord. No. 4189, § 3, 2-3-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Secs. 49-260—49-262. - Reserved.

Sec. 49-263. - Variances.

Variances to drought plan provisions may be granted at the discretion of the City Manager or designee. Applicants for a variance must apply in writing to the Water Resources Division, and demonstrate special circumstances such as health and safety needs or obligation of contract.

(Ord. No. 3516, § 3, 6-17-03; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)

Sec. 49-264. - Limited exemption to restrictions for users of reclaimed water.

To the extent they are exempt from the drought management plan, users of effluent shall clearly post notices stating that the water being used is not from the public drinking water supply, and is in conformance to drought management plan in force at the time.

(Ord. No. 3516, § 3, 6-17-03)

~~DIVISION III. — LANDSCAPE ASSISTANCE PROGRAM~~

~~Sec. 49-265. Landscape assistance program.~~

- (a) ~~The Water Resources Division, together with the citizen and neighborhood resources department, shall establish a landscape assistance program to assist qualified residential homeowners within the City of Scottsdale in converting their high water usage and high maintenance front yard landscaping into low water usage and low maintenance landscaping. To qualify for participation in the program, the residence must be at least fifteen (15) years old and must be owner occupied, and the owner of the home must meet the annual income guidelines for low to moderate income assistance established by the U.S. Department of Housing and Urban Development for use in the Community Development Block Grant program.~~
- (b) ~~The division director of Water Resources or designee, in collaboration with the general manager or designee of the citizen and neighborhood resources department, shall establish, from time to time, such guidelines as may be deemed necessary to carry out the purpose of the landscape assistance program. These guidelines shall include a requirement for the homeowner to comply with all City Code provisions relating to landscape maintenance. The guidelines shall also include a requirement that the homeowner agree to the placement of a lien upon their property for a three-year period in order to insure such compliance. The City Council shall authorize annually, through the City's budget process, the funds it deems necessary to fund the landscape assistance program.~~

~~(Ord. No. 3637, § 1, 10-4-05; Ord. No. 4077, § 1(Res. No. 9374, Exh. A, § 1), 5-14-13; Ord. No. 4147, § 1(Res. No. 9706, § 1), 5-13-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)~~

~~Secs. 49-266—49-269. Reserved.~~

~~DIVISION IV. SALINITY REDUCTION~~

~~Sec. 49-270. Definitions.~~

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

~~*Applicant* means the owner of record of a single-family residence which receives City wastewater service or a person who provides to the Water Resources Division satisfactory evidence of authority to remove or replace water softening devices at such residence.~~

~~*Approved* means accepted by the Water Resources Division as satisfying minimum specifications referenced in this division, meeting performance or efficiency criteria, or demonstrating suitability for a proposed purpose.~~

~~*Demand initiated regeneration unit* means a water softening device whereby all operation is initiated and performed automatically in response to demand for treated water.~~

~~*Portable exchange water softener service* means a service agreement between a single-family residential wastewater customer and a third party whereby spent water softener units are periodically removed and replaced with fully regenerated units.~~

~~*Salinity reduction* means reducing dissolved salt content in wastewater that is discharged into the City's wastewater system.~~

~~*Self-regenerating ion exchange water softener* means a device that treats hard water by exchanging calcium and magnesium ions with sodium or potassium ions and discharges saline water or brine into the City's wastewater system.~~

~~(Ord. No. 4146, § 1, 3-18-14, eff. 7-1-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)~~

RESOLUTION 11436

EXHIBIT A

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~~Sec. 49-271. Salinity reduction rebate program options.~~

- ~~(a) The City may offer the following salinity reduction rebate program options to single family residential wastewater customers:~~
- ~~(1) Ion exchange water softener replacement. For replacing self-regenerating ion exchange water softeners with approved demand initiated regeneration units or other more efficient devices.~~
  - ~~(2) Portable exchange water softener service. For removing self-regenerating ion exchange water softeners and subscribing to an approved portable exchange water softener service. Approved service providers must demonstrate regeneration of spent tanks occurs at a centralized facility and thereby eliminates potential discharges from the regeneration process to the City's wastewater system.~~
  - ~~(3) Water softener removal. For disconnecting and removing self-regenerating ion exchange water softeners.~~
- ~~(b) Any City wastewater customer who accepts a rebate for water softener removal shall not thereafter install a self-regenerating ion exchange water softener at the customer's residence for a period of at least five (5) years.~~
- ~~(c) Within twelve (12) months of a customer's acceptance of a rebate, division employees may inspect the customer's residence to confirm compliance with the City's rebate program offer. A customer who refuses to permit such an inspection will forfeit the rebate.~~

~~(Ord. No. 4146, § 1, 3-18-14, eff. 7-1-14; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)~~

~~Sec. 49-272. Salinity reduction rebate program.~~

- ~~(a) The Water Resources Division director of Water Resources or designee shall administer this division.~~
- ~~(b) At the beginning of a fiscal year, the Water Resources Division will post on its website the total amount of available funds for each salinity reduction rebate program option. Salinity reduction rebate program costs shall not exceed the maximum amount of funds budgeted each fiscal year for each rebate program option. If rebate program applications exceed the funds budgeted in a fiscal year, applicants may submit a new application for the next fiscal year the City offers such rebates. The City reserves the right to adjust the amounts of the rebates and has no obligation to fund such a rebate program in future fiscal years. Rebates will be limited to one per applicant per residence.~~
- ~~(c) To qualify for a rebate, each applicant must submit:~~
- ~~(1) A completed rebate application form;~~
  - ~~(2) Satisfactory proof of purchase of an approved water softener replacement device, proof of removal of self-regenerating ion exchange water softeners, or a service agreement reflecting a portable exchange water softener service; and~~
  - ~~(3) A completed rebate evaluation survey.~~
- ~~(d) All rebates will be paid in the form of a credit applied to the residential owner's water bill unless the Water Resources Division designates otherwise.~~
- ~~(e) The Water Resources Division is authorized to inspect and confirm, as applicable, the disconnection or removal of an ion exchange device, installation of an approved replacement device, verify a binding portable exchange service agreement, and to conduct inspections.~~
- ~~(f) No salinity reduction rebates will be granted for program options undertaken prior to July 1, 2014.~~

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EXHIBIT A  
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~~(Ord. No. 4146, § 1, 3-18-14, eff. 7-1-14; Ord. No. 4194, § 1(Res. No. 10054, § 1, Exh. A), 5-12-15; Ord. No. 4308, § 1(Res. No. 10799, § 1(Exh. A)), 5-23-17, eff. 7-1-17)~~

ORDINANCE NO. 4391

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING PORTIONS OF CHAPTER 49 OF THE SCOTTSDALE REVISED CODE, REGARDING WATER, SEWERS, AND SEWAGE DISPOSAL

Whereas, the City of Scottsdale desires to continue to accommodate community needs for utility services without decreasing current standards of public health; and

Whereas, the City desires to adjust the current costs to provide water and sewer service in the City of Scottsdale to meet present and increasing demand and recover costs using a fair and proportionate structure.

Whereas, the City further desires to amend the provisions of Chapter 49 to provide clarity of language and improve the operations of the Water Resources Division of the City.

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1.

Chapter 49 of the Scottsdale Revised Code, relating to Water, Sewers, and Sewage Disposal is amended in accordance with the provisions of Resolution No. 11436 with an outline of the provisions that may be affected below:

ARTICLE II. - MUNICIPAL WATER SYSTEM

DIVISION 1. - GENERALLY

Sec. 49-16. - Definitions.

Sec. 49-17. - City division director of water resources; rules and regulations; assignment of duties.

Sec. 49-18. - Interruption of service; street work.

Sec. 49-19. - Conditions of service; appeals.

Sec. 49-21. - Connection and meter installation fees.

Sec. 49-22. - Application for domestic water service for an existing unit of service.

Sec. 49-26. - Down sizing of meter.

Sec. 49-27. - Manifold meters.

Sec. 49-28. - Relocation of service.

DIVISION 2. - USER RATES AND CHARGES

Sec. 49-47. - Deposits.

Sec. 49-48. - Metered domestic rates.

Sec. 49-48.1. - Stormwater fee.

Sec. 49-49. - Unauthorized use.

- Sec. 49-50. - Hydrant and construction meters and water hauling.
- Sec. 49-50.1. - Stormwater fee.
- DIVISION 3. - BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL
  - Sec. 49-62. - Backflow prevention assemblies required.
- ARTICLE III. - WATER AND WASTEWATER DEVELOPMENT FEES
  - Sec. 49-72. - Legislative intent and purpose.
  - Sec. 49-73. - Definitions.
  - Sec. 49-75. - Authority for development fees.
  - Sec. 49-79. - Infrastructure improvements plan.
  - Sec. 49-82. - Collection of development fees.
  - Sec. 49-83. - Development fee credits and credit agreements.
  - Sec. 49-90. - Golf course water supply fee.
- ARTICLE IV. - SEWAGE COLLECTION, PRETREATMENT AND TREATMENT
  - DIVISION 1. - GENERAL
    - Sec. 49-91. - Definitions.
    - Sec. 49-92. - Authority and administration.
    - Sec. 49-103. - Distribution of POTW revenues and use of funds.
  - DIVISION 2. - EXTENSIONS AND CONNECTIONS
    - Sec. 49-117. - Connection to public sewer from private onsite wastewater treatment system.
    - Sec. 49-127. - Building sewers and service lines.
  - DIVISION 3. - USER RATES AND CHARGES
    - Sec. 49-141. - Rates and user charges.
    - Sec. 49-142. - Administrative account establishment fee.
    - Sec. 49-142.2. - Application for service.
    - Sec. 49-143. - Deposits.
  - ARTICLE V. - WATER AND SEWER EXTENSIONS AND REIMBURSEMENT AGREEMENTS
    - Sec. 49-211. - Definitions.
    - Sec. 49-215. - Line payback agreements.
    - Sec. 49-219. - Minimum requirements for lines.
    - Sec. 49-224. - Offsite extension requirements for water and sewer lines.
    - Sec. 49-227. - Extension participation program.
  - ARTICLE VII. - WATER CONSERVATION
    - DIVISION I. - WATER CONSERVATION
      - Sec. 49-241. - Definitions.
      - Sec. 49-242. - Limitation on water features for commercial users, new industrial users and common areas of residential developments.
      - Sec. 49-243. - Water conservation rebate programs.
      - Sec. 49-245. - Limitation on water intensive landscape/turf areas within new nonresidential facilities.
      - Sec. 49-247. - Limitations on model home landscaping.
      - Sec. 49-248. - Reserved.
    - DIVISION III. - LANDSCAPE ASSISTANCE PROGRAM
      - Sec. 49-265. - Landscape assistance program.
      - Secs. 49-266—49-269. - Reserved.
    - DIVISION IV. - SALINITY REDUCTION
      - Sec. 49-270. - Definitions.

Sec. 49-271. - Salinity reduction rebate program options.  
Sec. 49-272. - Salinity reduction rebate program.

as provided in that certain document known as "Amendments to Chapter 49, Scottsdale Revised Code - WATER, SEWERS AND SEWAGE DISPOSAL", a paper and electronic copy of which is on file in the office of the City Clerk, which document was made a public record by Resolution No. 11436 of the City of Scottsdale, Arizona, and is hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein 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 3. The effective date of this Ordinance, as it relates to the amendments to Chapter 49, of the Revised Code of the City of Scottsdale, is July 1, 2019.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF SCOTTSDALE, an Arizona municipal corporation

By: \_\_\_\_\_  
W. J. "Jim" Lane, Mayor

ATTEST:

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
Bruce Washburn, City Attorney  
By: Eric C. Anderson, Senior Assistant City Attorney

ORDINANCE NO. 4392

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO APPROVE AMENDMENTS TO CHAPTER 24, "SOLID WASTE MANAGEMENT," OF THE SCOTTSDALE REVISED CODE BY AMENDING SECTIONS 24-18, 24-31, AND 24-32 TO MODIFY CERTAIN APPLICABLE RATES

WHEREAS, the City of Scottsdale desires to continue to accommodate community needs for solid waste services without decreasing current standards of public health; and

WHEREAS, the City of Scottsdale desires to adjust the current costs to provide solid waste services in the City of Scottsdale to meet present and increasing demand and recover costs using a fair and proportionate structure;

WHEREAS, the City of Scottsdale further desires to amend the provisions of Chapter 24 to provide clarity of language;

BE IT ORDAINED by the Council of the City of Scottsdale that the following amendments to Chapter 24 of the Scottsdale Revised Code are hereby approved to go into effect on July 1, 2018:

Section 1. Section 24-18 of the Scottsdale Revised Code "Containers in subdivisions, etc." is amended as follows, with shading indicating additions:

The owner or developer of any new residential single-family dwelling within the city shall supply at his expense, solid waste, and recycling containers which shall become the property of the city. The size, color, and/or type of such containers shall be consistent with the container specifications established by the division and approved by the director. If an owner or developer of a residential area is required to use commercial refuse containers in lieu of the residential refuse containers, he shall be subject to division 3 of this article, below.

(1) When purchased through the City, the price shall be: \$86.10 for each solid waste container and \$61.71 for each recycling container.

Section 2. Section 24-31 (a) and (c), "Service charges, residential refuse and recyclable material generators," is amended as follows, with strikethroughs indicating deletions and shading indicating additions:

- (a) When refuse collection service is made available, a monthly charge shall be imposed upon all residential refuse generators in the sum of ~~seventeen~~eighteen dollars and ~~twentyseven~~one cents (~~\$17.21~~\$18.71), plus any additional fees, taxes, or charges, regardless of how they are designated, which are or may be imposed by the state or federal government, or by a regional authority, in respect to either individual or municipal action relating to this chapter. Except as provided in subsection (h), the basic monthly charges as described herein shall apply regardless of the nature and extent of services actually provided to a property by the city.

- (b) In case of a multiple-dwelling unit, the charge shall be billed to the owner of the premises or to his authorized agent who shall be liable for the payment thereof.
- (c) Any residential refuse generator who is serviced by the city's curbside recycling program and who acquires additional refuse containers provided by the city for convenience, shall purchase such containers and shall pay an additional fee of ~~eighty-nine dollars and thirteen cents (\$8.13)~~ **nineteen dollars and fifty cents (\$19.50)** per month for the collection of each additional refuse container.
- (d) Any residential refuse generator refusing to participate in the city's curbside recycling program and who acquires additional refuse containers provided by the city for convenience, or who is required to do so pursuant to section 24-17, shall pay the fee provided in subsection (a) for collection of each container.
- (e) Additional refuse containers purchased pursuant to subsections (c) and (d) shall remain the property of the purchaser.
- (f) Charges for first and final bills with billing periods more or less than one (1) month shall be prorated.
- (g) The director may discontinue monthly service charges to a property if the director receives notice from the owner of the property, in writing, that the structure or structures on the property have been permanently abandoned, or receives notice from the city or county health officer that the structure or structures on the property have been condemned as not habitable, or unsanitary and dangerous to human life.
- (h) Any residential refuse generator whose property will be vacant for six consecutive months or more may request a temporary suspension of collection services, pursuant to section 49-23 of this Code. Upon receipt of the refuse generator's signed acknowledgement form as set forth in section 49-23(b), the city will waive all basic monthly refuse collection service charges for the term of the vacancy. Collection service will resume upon the residential refuse generator paying an administrative account establishment fee.
- (i) If the city determines that the service is nonetheless being used, it may resume billing.

Section 3. Section 24-32, "Service charges, commercial refuse and recyclable material generators," is amended as follows, with strikethroughs indicating deletions and shading indicating additions:

(a) Commercial Refuse Front Load Containers:

Container Size <del>Cubic Yard</del> (CY)	Collection Frequencies					
	1	2	3	4	5	6
2	<del>\$82.50</del>	<del>\$165.00</del>	<del>\$247.50</del>	<del>\$329.75</del>	<del>\$412.25</del>	<del>\$494.75</del>
	<b>\$84.55</b>	<b>\$169.10</b>	<b>\$253.70</b>	<b>\$338.00</b>	<b>\$422.55</b>	<b>\$507.10</b>
3	<del>\$88.75</del>	<del>\$177.50</del>	<del>\$266.25</del>	<del>\$355.00</del>	<del>\$443.50</del>	<del>\$532.25</del>
	<b>\$90.95</b>	<b>\$181.95</b>	<b>\$272.90</b>	<b>\$363.85</b>	<b>\$454.60</b>	<b>\$545.55</b>

4	<del>\$95.25</del> \$97.65	<del>\$190.25</del> \$195.00	<del>\$285.25</del> \$292.40	<del>\$380.25</del> \$389.75	<del>\$475.25</del> \$487.15	<del>\$570.25</del> \$584.50
5	<del>\$101.25</del> \$103.80	<del>\$202.50</del> \$207.55	<del>\$303.75</del> \$311.35	<del>\$405.00</del> \$415.10	<del>\$506.25</del> \$518.90	<del>\$607.50</del> \$622.70
6	<del>\$107.50</del> \$110.20	<del>\$215.00</del> \$220.35	<del>\$322.50</del> \$330.55	<del>\$429.75</del> \$440.50	<del>\$537.25</del> \$550.70	<del>\$644.75</del> \$660.85
8	<del>\$116.75</del> \$119.65	<del>\$233.25</del> \$239.10	<del>\$349.75</del> \$358.50	<del>\$466.50</del> \$478.15	<del>\$583.00</del> \$597.55	<del>\$699.50</del> \$717.00
Additional refuse containers of two or more will be discounted a flat ten (10) percent; discount applied to least expensive container/pull combined bill.						

- (b) The following additional fees shall also be charged, as applicable:
- (1) Seventy dollars (\$70.00) for delivery of any special event front loader container.
  - (2) A one-time charge of one hundred dollars (\$100.00) will be charged for installing a locking latch on a container.
- (c) Charges to commercial refuse generators shall also include any additional fees, taxes, or charges, regardless of how they are designated, which are or may be imposed by the state or federal government, or by a regional authority, in respect to either individual or municipal action relating to this chapter.
- (d) When two (2) or more commercial refuse generators share a container in common, one (1) of the following may be elected:
- (1) The service charges will be billed to the customer requesting the initial service at the regular rate indicated in the rate structure. Businesses sharing a container shall be responsible for making any cost sharing arrangements between or among themselves, as applicable.
  - (2) The shared rate will be divided equally among and billed directly to each business establishment. Each business establishment is responsible for the storage and disposal of its own refuse and shall contract with the city or a private company for refuse removal and disposal. (Title 18, Arizona Administrative Code).
- (e) Charges for first and final bills with billing periods more or less than one (1) month shall be prorated.
- (f) Commercial Recycling Front Load Containers:

Container Size <del>(CY)</del> Cubic Yards	Collection Frequencies					
	1	2	3	4	5	6
2	\$65.02	\$130.04	\$195.06	\$260.08	\$325.10	\$390.12



3	\$68.34	\$136.68	\$205.02	\$273.36	\$341.70	\$410.04
4	\$71.66	\$143.32	\$214.98	\$286.64	\$358.30	\$429.96
6	\$78.30	\$156.60	\$234.90	\$313.20	\$391.50	\$469.80
8	\$84.95	\$169.90	\$254.85	\$339.80	\$424.75	\$509.70

## (g) Commercial Recycling Plastic Carts:

Container Size (CY)	Collection Frequencies					
	1	2	3	4	5	6
90 Gallon	\$9.15	\$18.30	\$27.45	\$36.60	\$45.75	\$54.90
300 Gallon	\$29.90	\$59.80	\$89.70	\$119.60	\$149.50	\$179.40

(h) ~~Commercial Manure Front Load Containers~~

~~(1) Commercial front load containers for disposal of manure or similar forms of animal or livestock waste may be made available by the City at a rate equal to the regular applicable Commercial Refuse Front Load Container rate multiplied by two.~~

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the Code adopted herein 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.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

By: \_\_\_\_\_  
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

\_\_\_\_\_  
Bruce Washburn, City Attorney  
By: Eric C. Anderson, Senior Assistant City Attorney

RESOLUTION NO. 11418

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND APPROVING ADJUSTMENTS TO THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT'S RATES AND FEES.

WHEREAS, the Planning & Development Services Department collects rates and fees for providing services associated with plan review, building permits, permits for wireless communications facilities in the right-of-way, stormwater management, electric vehicle charging stations, and other fees related to development processing;

WHEREAS, the Planning & Development Services Department has reviewed those rates and fees, and has determined they should be adjusted; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. The City Council hereby authorizes and approves the Planning & Development Services Department's adjustment of rates and fees to the amounts stated in Exhibit "A," attached and by this reference made a part of this resolution, all to be effective July 1, 2019, which shall supersede those currently in effect pursuant to Resolution No. 11140.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 14th day of May, 2019.

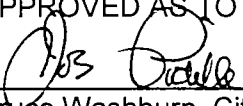
CITY OF SCOTTSDALE, an Arizona  
municipal corporation

ATTEST:

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bruce Washburn, City Attorney

By: Joe Padilla, Deputy City Attorney

# Application Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

<b>Pre-Application</b>	\$95	<b>Hardship Exemption</b>	\$170
<b>Records Packet</b>	\$23	<b>In-lieu Parking</b>	\$170
<b>Abandonment of Right of Way</b>		<b>Marshalling/Storage Yard</b>	\$1,000 + \$0.10 per square foot per week
Single Family Lot	\$1,775		
All Other Abandonments, including Subdivisions	\$2,525	If development goes beyond the applied timeframe, another application fee applies	\$2,000 + \$0.10 per square foot per week
<b>Annexation / De-annexation</b>	\$2,190		
<b>Board of Adjustment</b>		<b>Minor Amendment</b>	\$170
Appeal	\$170	<b>Records Changes</b>	
Residential Variance (Single Family Lot)	\$170	Street Name Change	\$280
All Other Variances	\$1,380	Address Change Residential	\$55
<b>Building Advisory Board of Appeals</b>		Address Change Commercial	\$110
Commercial	\$350	<b>Special Exception</b>	\$170
Residential	No charge	<b>Zoning District Map Amendment</b>	
<b>Conditional Use Permit</b>		Residential District	\$1,275 + per acre fee
Major	\$2,700	Commercial District	\$2,400 + per acre fee
Minor	\$690	Industrial District	\$2,400 + per acre fee
<b>Development Agreement Application</b>	\$2,000	Mixed-use District	\$6,200 + per acre fee
<b>Development Review (DRB)</b>		Supplementary District	
Land Division		Parking P-1	\$2,400 + per acre fee
Major Subdivision (Preliminary Plat)	\$2,700 + \$20 per lot	Parking P-2	\$2,400 + per acre fee
Minor Subdivision	\$1,350 + \$20 per lot	Western Theme Park	\$2,400 + per acre fee
New Construction	\$1,700	Open Space	\$1,275 + per acre fee
Revision	\$515	Conservation Open Space	\$1,275 + per acre fee
Time extension	\$340	ESL Amendments to Map	\$410
<b>Development Review (Minor) – Staff Approval</b>		ESL Density Transfer	\$2,400 + per acre fee
Master Plan	\$1,000 per set	ESL Density Incentive	\$1,275 + per acre fee
Major	\$345	All other	Underlying district fees only
(includes new Master Sign Program)		Time extension/revision	\$820
Minor	\$95	<b>Rezoning per acre</b>	
Amendment to Master Sign Program	\$95	0-20	No additional fees
Cuts/Fills	\$515	21-100	\$75
Wash Modification	\$515	101-600	\$60
Time extension	\$95	601+ acres	\$55
<b>General Plan Amendments</b>		<b>Zoning Text Amendment</b>	
Major	\$4,375	Major	\$2,700
Non-major	\$2,190	Minor	\$980

Note: This schedule is not all-inclusive and other fees may apply.

## Planning & Development Services

7447 E Indian School Road, Suite 100, Scottsdale, AZ 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

# Plan Review Fee Schedule

## Commercial



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

### Commercial

Livable area with A/C	\$0.40 Sq. Ft.
Covered area (non A/C)	\$0.25 Sq. Ft.

### Foundation Only

\$0.40 Sq. Ft. x 25% + \$250

### Shell Only

Livable area with A/C	\$0.40 Sq. Ft. x 95%
Covered area (non A/C)	\$0.25 Sq. Ft.

### Commercial Addition

Livable area with A/C	\$0.40 Sq. Ft.
Covered area (non A/C)	\$0.25 Sq. Ft.

### Commercial Remodel / Tenant Improvement

Livable area with A/C	\$0.40 Sq. Ft. x 30%
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### Apartments/Condos

Livable Area with A/C	\$0.40 Sq. Ft.
Covered area (non A/C)	\$0.25 Sq. Ft.

*\*Apts/Condos with 4 or more units & reoccurring floor plans pay 50% of the calculated fee for 0-100,000 sq. ft. of livable space & 25% for livable square feet over 100,000 sq. ft.*

### Engineering Review (per sheet)

Civil and Improvement Plans	\$775
Preliminary Grading	\$265
Revision to Approved Civil and Improvement Plans	\$265
Easements – Dedications/Releases	\$775

Note: This schedule is not all-inclusive and other fees may apply.

## Planning & Development Services

7447 E Indian School Road, Suite 100, Scottsdale, AZ 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

# Plan Review Fee Schedule

## Single Family Residential



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

### Single Family Custom Homes

Livable area with A/C	\$0.40 Sq. Ft.
Covered area (non A/C)	\$0.25 Sq. Ft.
Fences	\$0.15 Ln. Ft.
Retaining walls	\$0.15 Ln. Ft.

### Single Family Addition

Livable area with A/C	\$0.40 Sq. Ft.
Covered area (non A/C)	\$0.25 Sq. Ft.

### Single Family Remodel

Livable area with A/C	\$0.40 Sq. Ft. x 30%
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### Single Family Standard Plan

Livable area with A/C	\$0.40 Sq. Ft.
Covered area (non-A/C)	\$0.25 Sq. Ft.
Additional elevations (maximum 5)	\$90 each

### Engineering Review (per sheet)

Civil and Improvement Plans	\$775
Revision to Civil and Improvement Plans	\$265
Easements – Releases	\$775

### Miscellaneous Plan Reviews

Native plant	\$90 per hour
Fence only	\$90 per hour + \$0.15 LF
Retaining walls only	\$90 per hour + \$0.15 LF
Revision to approved plan	\$90 per hour
Minimum review	\$90 per hour
Benchmark revision	\$90 per hour

**Note: This schedule is not all-inclusive and other fees may apply.**

## Planning & Development Services

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# Plan Review Fee Schedule

## Miscellaneous



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

### Miscellaneous Plan Review Fees

After 3 <sup>rd</sup> Review	50% of original fee
Barricade Plan Review	\$90 per hour
Benchmark Revision	\$90 per hour
Dry Utility Review	\$90 per hour
Fence Only	\$90 per hour + \$0.15 LF
Retaining Walls	\$90 per hour + \$0.15 LF
Minimum Plan Review	\$90 per hour
Minor Revision to Approved Civil Plans	\$90 per hour (requires management approval)
Native Plant Review	\$90 per hour
Pool	\$90 per hour
Plan Review Extension Request	\$280
Revision to Approved Building Plans	\$90 per hour
Solar Review: Residential	\$153
Commercial	\$305
Update Expired Improvement Plans (no changes)	\$90 per hour

### Plat Fees

Final Plat	
Major Subdivision	\$5,000 + \$145 per lot
Minor Subdivision	\$2,500 + \$145 per lot
Certificate of Correction	\$90 per hour
Land Combination: Residential	\$635
Commercial	\$1,275

### Recordation Fees (May vary based upon specific submittal)

Maps of Dedications/Releases & Land Divisions	Administrative fee	\$35
	First set	\$15 per sheet
	Additional set	\$3 per sheet
Standard size (8 ½ x 11)		\$7.50

### Signs

0-20 Sq. Ft.	\$30 per sign
21-30 Sq. Ft.	\$65 per sign
31 Sq. Ft. & over	\$95 per sign
Revision	\$90 per hour

**Note: This schedule is not all-inclusive and other fees may apply.**

## Planning & Development Services

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# Permit Fee Schedule

## Commercial



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) – keyword “Fees”.

### Commercial Building Permit

Base fee	\$175
Area with A/C	\$0.70 Sq Ft
Covered area non A/C	\$0.40 Sq Ft
Certificate of Occupancy	\$145
GIS Fee	\$285
Lowest Floor Certificate Review	\$265

### Commercial Addition

Base fee	\$175
Area with A/C	\$0.70 Sq Ft
Covered area non A/C	\$0.40 Sq Ft
Certificate of Occupancy	\$145
GIS Fee	\$285
Lowest Floor Certificate Review	\$265

### Commercial Remodel (Existing)

Base fee	\$175
Area with A/C	\$0.70 Sq. Ft. x 30%
Covered area - non A/C	\$0.40 Sq. Ft.
Certificate of Occupancy	\$145
GIS Fee	\$285

### Foundation Only

Base Fee	\$175
Foundation (Area with A/C above)	\$0.70 Sq. Ft. x 25%
GIS Fee	\$285
Lowest Floor Certificate Review	\$265
Phasing Fee	\$265

### Shell Only for Commercial & Multi-Family

Base Fee	\$175
Area with A/C	\$0.70 Sq. Ft. x 95%
Covered area non A/C	\$0.40 Sq. Ft.
GIS Fee	\$285
Certificate of Shell	\$145
Lowest Floor Certificate Review	\$265

### Commercial T.I. (New) & Multi-Family Build Out

Base fee	\$175
Area with A/C	\$0.70 Sq. Ft. x 30%
Covered area - non A/C	\$0.40 Sq. Ft.
Certificate of Occupancy	\$145

### Commercial Vanilla Shell T.I.

Base fee	\$175
Area with A/C	\$0.70 Sq. Ft. x 30%
Covered area - non A/C	\$0.40 Sq. Ft.
Certificate of Shell	\$145

**Walls & Fences always require a separate permit.**

### Fence Walls

Base Fee	\$175
Linear Footage	\$0.20 LF

### Retaining Walls

Base Fee	\$175
Linear Footage	\$2.00 LF

\*LF = linear footage

**Note: This schedule is not all-inclusive and other fees may apply.**

## Planning & Development Services

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# Permit Fee Schedule

## Single-Family Residential



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

### Single Family Custom

Base Fee	\$175
Livable area with A/C	\$0.70 Sq Ft
Covered area non A/C	\$0.40 Sq Ft
Certificate of Occupancy	\$145
GIS Fee	\$285
Lowest floor certificate review	\$265

### Single Family Addition

Base Fee	\$175
Livable area with A/C	\$0.70 Sq Ft
Covered area non A/C	\$0.40 Sq Ft
GIS Fee	\$285
Lowest floor certificate review	\$265

### Single Family Detached Structure

Base Fee	\$175
Livable area with A/C	\$0.70 Sq Ft
Covered area non A/C	\$0.40 Sq Ft
Certificate of Occupancy	\$145
GIS Fee	\$285
Lowest floor certificate review	\$265

### Single Family Standard Plan

Base Fee	\$175
Livable area with A/C	\$0.70 Sq Ft
Covered area non A/C	\$0.40 Sq Ft
15% Admin Site Review Fee	Varies based on square footage
Certificate of Occupancy	\$145
GIS Fee	\$285
Lowest floor certificate review	\$265

### Fence Walls

Base Fee	\$175
Linear Footage	\$0.20 LF

### Retaining Walls

Base Fee	\$175
Linear Footage	\$2.00 LF

### Single Family Remodel

Base Fee	\$175
Livable area with A/C	\$0.70 Sq Ft x 30%
Covered area non A/C	\$0.40 Sq Ft

### Single Family Remodel with Roof Modification

Base Fee	\$175
Livable area with A/C	\$0.70 Sq Ft x 70%
Covered area non A/C	\$0.40 Sq Ft

### Single Family Addition Less than 500 Sq. Ft.

Base Fee	\$175
Covered area non-A/C	\$0.40 Sq Ft
Livable area with A/C	\$0.70 Sq Ft
Lowest Floor Certificate Review	\$265 special flood hazard areas only

**Note: This schedule is not all-inclusive and other fees may apply.**

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# Permit Fee Schedule

## Miscellaneous



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

### Miscellaneous Permit Fees

Active Permits Records Change	\$90 Residential \$145 Commercial
Administrative Site Review Fee	15.0% of Sq Ft / LF fee
Annual Facilities Permit (renewals expire on 12/31 of calendar year)	Pro-rated by date of purchase:
January - March	\$4,000
April - June	\$3,000
July - September	\$2,000
October - December	\$1,000
Building Permit Extension Request	\$270
Certificate of Occupancy (visual inspection only)	\$145
Change of Occupant Permit	\$145
Demolition Permit	\$90 each discipline (or \$265 for building, plumbing, electrical, and mechanical)
Industrial Racking Permit	\$280
Minimum Permit (one discipline)	\$90
Minimum Combination (all disciplines)	\$265
Native Plant Permit	\$35 + \$1 for each plant affected + \$175 base fee
Native Plant Permit Modification	\$35 + \$1 for each plant affected + \$175 base fee
Native Plant Relocation Methodology	\$40
Off Hours Civil Inspections	\$250 per hour
Off Hours Building Inspections	\$250 per hour
On Site Grading	\$90
Pools & Spas Attached	\$0.55 Sq Ft + \$145 planning insp. fee + \$175 base fee
Pools & Spas-Base Fee	\$175
Pools & Spas-Planning Inspection Fee	\$145
Refuse – Single Enclosure	\$230
Refuse – Double Enclosure	\$300
Reinspection	\$90
Stand Alone Spas	\$110
Stock Pile	\$175 base fee + \$0.10 per cubic yard
Solar Residential	\$150
Commercial	\$300
Solar Water Heaters	\$80
Temporary Power Pole	\$90
Water Heaters (except solar)	\$45

### Signs

Base fee	\$175 base fee (base fee applied once per permit application, not per sign)
0-10 Sq. Ft.	\$25 per sign
11-20 Sq. Ft.	\$125 per sign
21-30 Sq. Ft.	\$200 per sign
31 Sq. Ft. and Over	\$275 per sign
Temporary Banner	\$30

**Note:** This schedule is not all-inclusive and other fees may apply.

## Planning & Development Services

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# Right of Way/Improvement Permits

## Permission to Work in Right of Way (P.W.R.)

### Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

#### IMPROVEMENT PLANS

The following inspection and permit fees are required for the specified encroachments and must be paid in addition to all other required fees.

Item	Unit	Fee
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#### 1. PAVING

Paving, Asphaltic concrete (base course)	Square yard	\$0.72
Paving, Overlay or top course of multicourse paving	Square yard	\$0.25
Barricading (permanent – wooden)	Each	\$38
Guard Rail	Linear foot	\$0.40
Survey Monuments	Each	\$13.50

#### 2. CONCRETE

Driveways	Square yard	\$0.55
Paving, Portland cement concrete	Square yard	\$0.55
Decorative sidewalk or paving (Bomanite, Terrazzo, etc)	Square foot	\$0.25
Sidewalk and bicycle path	Square foot	\$0.20
Curb and gutter	Linear foot	\$0.35
Valley gutter	Square foot	\$1.03
Concrete apron including curb and/or wheelchair ramps	Each	\$26.60
Scuppers & building drains	Each	\$21.20
Alley surfacing (non A.C.)	Square yard	\$0.20
Cutoff walls	Linear foot	\$0.50
Slope protection (riprap, gabions, gunnite, cobbles, etc.)	Square yard	\$0.90

#### 3. DRAINAGE

Irrigation and storm drain pipe	Linear foot	\$2.50
Manholes	Each	\$125
Catch basins, headwalls, irrigation, S.D. and water manholes	Each	\$55
Box Culvert	Linear foot	\$40

#### 4. WATER

Water main	Linear foot	\$0.71
Water service line	Linear foot	\$0.52
Pipe encasements (in twenty-linear-foot sections)	Each	\$20
Tapping sleeves and valves	Each	\$82
Fire hydrants	Each	\$80
Borings	Linear foot	\$7.08
Vault meter / PRV	Each	\$118

# Right of Way/Improvement Permits

## Permission to Work in Right of Way (P.W.R.)

### Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

Item	Unit	Fee
------	------	-----

#### 5. SEWER

Sanitary Sewer main	Linear Foot	\$0.90
Sanitary Sewer taps and service line	Linear Foot	\$0.52
Sanitary Sewer manholes	Each	\$82.70
Cleanouts and drop connections	Each	\$50
Sewer line television inspection	Linear Foot	\$0.65
Pipe encasements (in twenty-linear-foot sections)	Each	\$18.76

#### 6. DRY UTILITIES

Underground cable and conduit; includes trenching and backfill	Linear Foot	\$0.45
Splice and repair pits (backfill and patch)	Each	\$60.25
Adjustments: Manholes, valves, cleanouts, monuments, etc.	Each	\$21.50

#### 7. ROW / PUBLIC EASEMENT FILL AND CUT

Less than 100 cubic yards	Cubic Yards	No charge
101 – 10,000 cubic yards	1,000 Cubic Yards	\$60
10,001 or more cubic yards	10,000 Cubic Yards	\$265

#### 8. MISCELLANEOUS ROW

Streetlights	Each	\$13
Traffic Signals	Per Leg	\$400
Street Cut to pavement less than 12 months old	Per Square Yard	\$190
Street Cut to pavement 12 to 24 months old	Per Square Yard	\$120
Street Cut to pavement 25 to 48 months old	Per Square Yard	\$60
Sprinkler system, piping (for landscaping)	Per Linear Foot	\$0.25
Signs (regulatory, warning, street, etc.)	Each	\$9
As-Builts	Per Permit	\$290
Dry wells (Maxwell or similar types)	Each	\$125

#### 9. INSPECTIONS

Planning	Per Permit	\$145
Off Hours	Per Hour	\$250
Reinspection: If any reinspection is necessary on any inspection with a total permit fee less than \$90, a reinspection fee will be charged.	Per Inspection	\$90

# Right of Way/Improvement Permits

## Permission to Work in Right of Way (P.W.R.)

### Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

Item	Unit	Fee
------	------	-----

#### 10. BASE FEES

ROW Permit	Per Permit	\$175
Annual ROW Permit	Per Permit	\$2,000
Multiple permits - base fee. If more than one permit is required for a single project, only the highest base fee shall be paid.		
ROW Permit Extension Request	Per Permit	50% of original permit fee
Oversize/Overweight Permits (Single Trip)	Per Permit	\$35
Oversize/Overweight Permits (30 Days)	Per Permit	\$60
Haul Permits	Per Cubic Yard	\$0.10

#### 11. PHASED ENGINEERING PERMITS

A surcharge will be charged for the phased construction of infrastructure (grading, water/sewer, streets/curb/sidewalk and trails).	25% (per phase) in addition to the permit value of the requested phase
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**Note: This fee schedule is not all-inclusive and other fees may apply.**

# Records Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

<b>Copies (black and white)</b>	
8 1/2" x 11" (more than 24 copies)	\$0.20
11" x 17"	\$1.00
24" x 36"	\$4.50
<b>Copies (color)</b>	
8 1/2" x 11"	\$1.00
11" x 17"	\$2.00
<b>Aerials</b>	
8 1/2" x 11"	\$2.00
11" x 17"	\$3.00
30" x 36"	\$15.00
<b>Aerials – Custom</b>	
Regular Paper – 30" x 36"	\$35.00
Photo Paper – 30" x 36"	\$65.00
<b>Aerials – Topography</b>	
8 1/2" x 11"	\$4.00
<b>Maps – Topography</b>	
8 1/2" x 11"	\$2.00
15" x 18"	\$7.00
30" x 36"	\$15.00
<b>Offsite Records Box Retrieval</b>	
Retrieve and Refile	\$4.00
Deliver	\$10.00
Staff Time (one hour)	\$17.00
<b>Microfiche Imaged Records Copies (per sheet)</b>	
8 1/2" x 11"	\$0.50
11" x 17"	\$1.00
<b>General Plan</b>	
CD-Rom	\$10.00
Summary Map	\$10.00
General Plan (Book)	*\$45.00
<b>Compact Discs</b>	
Custom CD	\$5.00
<b>Ordinance</b>	
Zoning (Book)	*\$75.00
Floodplain	\$5.00
<b>Commercial Records Research (non-refundable)</b>	
Commercial Research Base Fee	\$85.00
Research	\$30.00 per hour

*\*Current Production Cost*

**Note: This schedule is not all inclusive and other fees may apply.**

## Planning & Development Services

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# Customized Expedited Plan Review Program



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

**Customized Expedited Plan Review Program:** Per the Planning & Development Services fee schedule, the fee is two times the amount for the type of plan submitted.

For phased plan submittals, the base fee is considered to be phased plan review fee.

An additional 20% of the expedited plan review will be charged if a 3rd review is required.

**Note:** This schedule is not all-inclusive and other fees may apply.

**Planning & Development Services**  
7447 E Indian School Road, Suite 100, Scottsdale, AZ 85251



# Annual Fees For SWF & WCF

## In The Right-Of-Way



### Annual Right-of-Way Use Fees for Small Wireless Facilities (SWF)

#### Small Wireless Facility (SWF) on City-owned Pole in the ROW

*Antenna area 6 cubic feet or less with associated equipment 28 cubic feet or less.*

- A. \$50.00 per SWF site per calendar year for use of the right-of-way.
- B. \$50.00 per SWF site per calendar year for the co-location of a SWF on a City-owned streetlight, traffic signal pole or other City-owned wireless support structure.

#### Small Wireless Facility (SWF) on a Third Party-owned Pole in the ROW

*Antenna area 6 cubic feet or less with associated equipment 28 cubic feet or less.*

\$50.00 per SWF site per calendar year for the co-location of a SWF on a Third Party-owned utility pole of wireless support structure in the ROW. Wireless provider shall provide documentation from the Third Party pole owner authorizing the use of the pole as a SWF.

### Annual Right-of-Way Use Fees for non-SWF Wireless Communication Facilities (WCF)

Category 1 – WCF with antennas(s) mounted on an EXISTING vertical element or pole and any associated ground equipment. Each WCF site will have an Antenna Base Fee of \$4,017 for a WCF site on the ROW, plus a Ground Equipment Fee (if applicable) for the cubic feet of ground equipment in the ROW, as set forth below:

	Antenna Base Fee	Equipment Fee	Total WCF Annual Fee
A. Total is 29 c.f. up to 50 c.f.	Included	Included	\$4,017
B. Total is 51 c.f. up to 200 c.f.	\$4,017	\$7,622	\$11,639
C. Total is 201 c.f. up to 300 c.f.	\$4,017	\$11,382	\$15,399
D. Total is 301 c.f. up to 400 c.f.	\$4,017	\$15,193	\$19,210
E. Total is 401 c.f. or more	\$4,017	\$18,952	\$22,969

Category 2 – WCF with antennas(s) mounted on a NEW vertical element that is stealth or utilizes alternative concealment when existing vertical elements are not available, and any associated ground equipment. Each WCF site will have an Antenna Base Fee of \$4,326 for a WCF site on the ROW, plus a Ground Equipment Fee (if applicable) for the cubic feet of ground equipment in the ROW, as set forth below:

	Antenna Base Fee	Equipment Fee	Total WCF Annual Fee
A. Total is 29 c.f. up to 50 c.f.	Included	Included	\$4,326
B. Total is 51 c.f. up to 200 c.f.	\$4,326	\$7,622	\$11,948
C. Total is 201 c.f. up to 300 c.f.	\$4,326	\$11,382	\$15,708
D. Total is 301 c.f. up to 400 c.f.	\$4,326	\$15,193	\$19,519
E. Total is 401 c.f. or more	\$4,326	\$18,952	\$23,278

Category 3 – WCF with antennas(s) mounted on a NEW vertical element that is neither stealth nor concealed in appearance, and any associated ground equipment. Each WCF site will have an Antenna Base Fee of \$5,768 for a WCF site on the ROW, plus a Ground Equipment Fee (if applicable) for the cubic feet of ground equipment in the ROW, as set forth below:

	Antenna Base Fee	Equipment Fee	Total WCF Annual Fee
A. Total is 29 c.f. up to 50 c.f.	Included	Included	\$5,768
B. Total is 51 c.f. up to 200 c.f.	\$5,768	\$7,622	\$13,390
C. Total is 201 c.f. up to 300 c.f.	\$5,768	\$11,382	\$17,150
D. Total is 301 c.f. up to 400 c.f.	\$5,768	\$15,193	\$20,961
E. Total is 401 c.f. or more	\$5,768	\$18,952	\$24,720

Note: This schedule is not all-inclusive and other fees may apply.

### Annual Fees for WCF in the ROW (Instructions) For Non-SWF Wireless Communication Facilities

The annual encroachment permit fees for wireless communications facilities in the rights-of-way categories above shall be administered according to the following rules:

- 1) The fee structure shall apply to the installation of any antennas, antenna structures, ground equipment, electronics, cabinets, and other appurtenances required or associated with the operation of a wireless communications facility (WCF) in the City's rights-of-way (ROW).
  - a. All existing WCF in ROW that have been constructed or received permits by July 2, 2009 will be eligible to have the annual WCF in ROW fee set at a rate of **\$11,489** for FY 2019-2020 (July 1, 2019 through June 30, 2020). The rate of **\$11,489** is subject to annual increases adopted by the City Council.
  - b. WCF sites in the ROW that were "on-air" prior to July 3, 2009 and are subsequently modified will be subject to the Annual Fees for WCF in the ROW when the vertical element is replaced or when the original ground mounted equipment is expanded.
- 2) Antenna Structures and Base Fee – In cases where the existing vertical element is replaced for structural purposes with a pole designed to support the antennas and cabling, the WCF will be categorized as being installed on an existing vertical element. The Antenna Base Fee includes up to 50 cubic feet of ground equipment and any electrical conductors necessary to operate the WCF site.
- 3) Ground Equipment Fee – The ground equipment measurement is calculated by the size of a flat, four- sided "box" (parallel sides of equal length) with a top panel that is parallel to the ground so that the box will cover the ground equipment from the top of the equipment to the ground (non-improved dirt surface), and from side-to side, including any foundation or pad for the equipment. For situations where there is more than one ground equipment fixture or cabinet (adjacent to each other or within the same use area), the equipment fixtures, cabinets and generators are deemed to be part of the same contiguous ground equipment space and will be measured together within the same box. Any Remote Radio Heads or Remote Radio Units mounted to a cabinet, post or wall in the same area with the ground equipment shall be included in the measurement for the ground equipment. Electrical meters and telecom pedestals are not included in the ground equipment.
- 4) WCF site that has both the vertical element and ground equipment in the ROW will be assessed an amount equal to the Antenna Base Fee plus the Ground Equipment Fee, except that:
  - A) WCF sites that have the antennas installed on a vertical element in the ROW but the ground equipment installed on private property will be assessed the Antenna Base Fee only.
  - B) WCF sites with antennas on a vertical element located on private property but with the ground equipment in the ROW, will be assessed the Ground Equipment Fee only. If the ground equipment is less than 50 cubic feet, the annual Ground Equipment Fee shall be the actual cubic feet of the ground equipment multiplied by the FY 2018/19 fee of \$35 per cubic

foot. If the ground equipment is greater than 50 cubic feet, the applicable ground equipment fee shall apply as provided in the schedule on page 1 of the Annual Fees for WCF in the ROW document.

5) All WCF in the ROW must have an Antenna Site Right-of-Way License Agreement (ARLA) document submitted to the City for each WCF site installed and operated in the ROW.

6) An invoice for the annual WCF in the ROW permit fee is sent to the person and address provided on the ARLA document, one month prior to the anniversary of the ARLA permit issuance date.

7) The ARLA is an encroachment permit allowing the WCF to be in the ROW; a WCF owner or applicant must obtain a "Permission to Work in the ROW" permit to construct, repair or maintain the WCF site.

8) The annual WCF in the ROW permit fee does not include fees and charges for any other planning & development fees, permits, plan review fees, inspection fees, or any other services or approvals that may be required by the City of an owner or applicant of a WCF in the ROW.

**Note: This schedule is not all-inclusive and other fees may apply.**

# Stormwater Management Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

## Appeal of Floodplain Administrator's Interpretation of Special Flood Hazard Area Provisions

Appeal	\$250
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## Variance from Floodplain Management Regulations in a Special Flood Hazard Area

Variance	\$2,600
Continuance (Applicant's Request)	\$50
New Posting Required	\$170

## Conditional Letter of Map Revision Review (CLOMR)

CLOMR (MT-1)	\$880
CLOMR (MT-2)	\$3,000

## Letter of Map Revision Review (LOMR)

LOMR (MT-1)	\$880
LOMR (MT-2)	\$3,000

## Stormwater Storage Waiver

In-lieu fee	\$3.00 per cubic foot
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Stormwater Quality Charge	\$4.10 per customer/per month
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- \$ 0.30 Sewer Fund for O&M related to stormwater
- \$ 0.85 General Fund for O&M related to stormwater
- \$ 2.95 Drainage and Flood Control capital projects

## Planning & Development Services

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# In-Lieu Parking Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

Permanent Credit Lump Sum Payment	\$13,800.00
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Permanent Credit Purchase Utilizing Monthly Installment Payment Program – Minimum Deposit per Credit	\$930.00
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Monthly Term (Temporary Lease) and Minimum Permanent Installment Monthly Payment per Credit Not Including Interest	\$130.00
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Evening Term Only (Temporary Lease) Monthly Payment per Credit – Night Time Only	\$37.00
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## Planning & Development Services

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# Wireless Communication Facility (WCF) & Small Wireless Facility (SWF) Fee Schedule FY 2019-2020



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

## Wireless Communication Facilities Application Fees

Pre-Application	\$90
Conditional Use Permit (Major) for new WCF	\$2,550
Conditional Use Permit (Minor) for WCF Conditional Use Permit Renewals	\$650
Development Review Board (DRB)	\$1,600
Development Review (Minor) – Staff Approval for WCF	\$485

## Wireless Communication Facilities Plan Review and Permit Fees

WCF Plan Review	\$83 per hour (first hour paid at submittal)
WCF Permit (Cellular)	\$165
ROW Permit (Cell Site)	\$165

## Small Wireless Facility (SWF) Application Fees

*Fees below cover plans review and permit fees*

Pre-Application	No Fee
Small Wireless Facility (SWF) Not Subject to Zoning	\$750
Small Wireless Facility (SWF) Subject to Zoning	\$1,000
*Batched Small Wireless Facility (SWF) applications- up to 25 sites total	\$750 for first site \$100 each for sites 2-5 \$50 each for sites 6-25

*\*Subject to staff approval prior to submittal*

**Note: This schedule is not all inclusive and other fees may apply.**

## **Planning & Development Services**

7447 E Indian School Road, Suite 100, Scottsdale, AZ 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

# Public Electric Vehicle Charging Fee Schedule



Official Schedule of City of Scottsdale Rates and Fees at: [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov) - keyword "Fees".

Public Electric Vehicle Charging (per charge)	\$2.00
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**Note:** This schedule is not all inclusive and other fees may apply.

## Planning & Development Services

7447 E Indian School Road, Suite 100, Scottsdale, AZ 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)



RESOLUTION NO. 11465

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE,  
ARIZONA, AUTHORIZING EVENT DIRECTIONAL BANNER FEES.

WHEREAS, in order to recover the City's costs for providing services associated with event directional banner applications and to charge appropriate rates for use of City property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Arizona, as follows:

Section 1. The City Council hereby approves the Tourism & Events Department to establish fees for event directional banner applications and for use of City property in the amounts stated in Exhibit "A" attached and by reference made part of this Resolution, all to be effective July 1, 2019.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2019.


ATTEST:

CITY OF SCOTTSDALE,  
a municipal corporation

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bruce Washburn, City Attorney  
By: William Hylen  
Senior Assistant City Attorney

**EVENT DIRECTIONAL BANNER FEES**  
**Effective July 1, 2019 – June 30, 2020**



<b><u>REVIEW FEE</u></b> Review fee	<b><u>FEE</u></b> \$90
<b><u>BANNER FEES</u></b> Horizontal Banner Fee	<b><u>PER POLE</u></b> <b>\$150</b> per banner, two locations <ul style="list-style-type: none"> <li>• Old Town Scottsdale at:  Scottsdale Rd. at Rancho Vista Drive  Scottsdale Rd. at Earll Drive</li> </ul>
Street Light Banner Fee	<b>\$25</b> per banner, 163 locations <ul style="list-style-type: none"> <li>• 47 locations in North Scottsdale on Frank Lloyd Wright Blvd from Scottsdale Rd. to the west side of the west frontage road Loop 101.</li> <li>• 116 locations in Old Town Scottsdale on Couplets:  Goldwater North of Highland (13)  Goldwater from Osborn to Camelback (46)  Drinkwater from Stetson to Earll Drive (57)</li> </ul>

RESOLUTION NO. 11466

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SCOTTSDALE, ARIZONA, AUTHORIZING SPECIAL EVENT  
FEES.

WHEREAS, in order to recover the City's costs for providing services associated with special event applications and permits;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Arizona, as follows:

Section 1. The City Council hereby approves the Tourism & Events Department to adjust its fees for special event applications and permits to the amounts stated in Exhibit "A" attached and by reference made part of this Resolution, all to be effective July 1, 2019.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 2019.

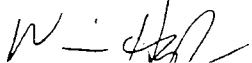
ATTEST:

CITY OF SCOTTSDALE,  
a municipal corporation

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bruce Washburn, City Attorney  
By: William Hylan  
Senior Assistant City Attorney

**SPECIAL EVENT FEES**  
**Effective July 1, 2019 – June 30, 2020**



<b><u>REVIEW AND PERMIT FEES</u></b>	<b><u>FEE</u></b>
Review fee	\$90
Simple permit	\$50
Standard permit	\$200
<b><u>EVENT VENUE FEES</u></b>	<b><u>DAILY FEE</u></b>
Marshall Way Bridge or Stefson Plaza (12,600 sf)	\$600 for either bridge or plaza; \$1200 for both
Soleri Plaza (6,000 SF) IF DESIRED, USE OF SOLERI BRIDGE IS INCLUDED	\$300
Main Street Plaza (7,100 SF)	\$100
Horseshoe Falls (4,400 SF)	\$100
Note: Proposed daily fee does not include SRP license fees, city or SRP insurance requirements, or any additional requirements for fencing, restrooms, security, large tents, etc. Event Venue Use fees would be discounted by 25% for events held entirely within May, June, July, August or September.	
<b><u>STREET CLOSURE FEES</u></b>	<b><u>DAILY FEE</u></b>
Arterial streets	\$200 per lane, per mile
Collector streets	\$100 per lane, per mile
Local streets	\$100 per full street segment up to one mile. No charge for city-registered Neighborhood Watch groups (for block parties)
Alley	\$150 per alley segment
<b><u>DOWNTOWN STREET CLOSURE FEES</u></b>	<b><u>DAILY FEE</u></b>
Downtown arterial, collector and couplet streets	\$500 up to first 1/4 mile (includes both directions, street + parking with sidewalk open); \$375 each additional 1/4 mile
Downtown local streets	\$250 up to first 1/4 mile (includes both directions, street + parking with sidewalk open) for events that are free and open to the public with unrestricted access; \$175 each additional 1/4 mile  \$400 up to first 1/4 mile (includes both directions, street + parking with sidewalk open) for events that have restrictions and/or limit public access (such as charge admission, age restrictions, etc.); \$300 each additional 1/4 mile.
Downtown alley	\$150 per alley segment

<b><u>DOWNTOWN FEES</u></b>	<b><u>DAILY FEE</u></b>
<b>City off-street parking lots and garages</b>	<b>\$0.0125 per sf</b> (open to public) (20,000 sf would be \$250) <b>\$0.025 per sf</b> (closed to public) (20,000 sf would be \$500)
<b>On-street parking (per space)</b> <b>Parking spaces adjacent to businesses or establishments</b>	<b>\$30</b> per space, or applicable street closure fee(s), whichever is less
<b>Use of City Restrooms</b> <b>(If portable restrooms not provided)</b>	<b>\$250</b> City's contracted cost for service
<b><u>OTHER FEES</u></b>	<b><u>DAILY FEE</u></b>
<b>Sidewalk</b>	<b>\$50</b> per closed segment, one block or less
<b>Other public property not identified (such as a plaza or off-street parking closure)</b>	<b>\$ .40</b> cost per square foot (250 sf = \$100)
<b>On-street parking (per space)</b> <b>Parking spaces adjacent to businesses or establishments</b>	<b>\$30</b> per space, or applicable street closure fee(s), whichever is less

RESOLUTION NO. 11429

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND APPROVING WESTWORLD'S FEES FOR FY 2019/20 AND AUTHORIZING THE CITY MANAGER TO EXECUTE WESTWORLD AGREEMENTS THAT CONTAIN NEGOTIATED FEES.

WHEREAS, WestWorld collects fees for certain services and rental of space at WestWorld; and

WHEREAS, WestWorld has reviewed those fees and has determined that certain fees should be adjusted; and

WHEREAS, in order to facilitate expeditious approval of agreements for rental of WestWorld's premises, it is in the City's best interest to allow the City Manager to execute WestWorld agreements that contain negotiated fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. The City Council hereby authorizes and approves WestWorld's fees for FY 2019/20 in the amounts stated in Exhibit "A," attached and by this reference made a part of this resolution, all to be effective July 1, 2019.

Section 2. The City Council hereby authorizes the City Manager to execute WestWorld agreements that contain negotiated fees that are different from the amounts specified in Exhibit "A."

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_\_ day of \_\_\_\_\_, 2019.

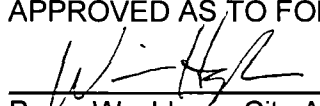
CITY OF SCOTTSDALE, an Arizona  
municipal corporation

ATTEST:

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bruce Washburn, City Attorney  
By: William Hylen  
Senior Assistant City Attorney

## Exhibit A

WestWorld Rate & Fee Schedule FY 2019/20 <span>11 12 13 14</span>				
FACILITY RENTAL CHARGES	MOVE-IN/OUT & WARM-UP 50% of Base Rate	DAILY BASE RATE	LIGHTS	HVAC
<b>Tony Meissen Equestrian Facility (TNEC) Rental Rates</b>				
TNEC Facility includes North Hall, South Hall, Equidome and Paddock	\$4,250	\$8,500	included	included
Equidome and Paddock <sup>1/4</sup>	\$1,250	\$2,500	included	included
<b>TNEC North Hall</b>				
North Hall : Commercial Use	\$3,000	\$6,000	included	included
North Hall: Use as stalls (per stall)	n/a	\$30	included	included
<b>TNEC South Hall</b>				
South Hall: Commercial Use	\$1,250	\$2,500	included	included
South Hall: Rental fee when also renting the Equidome	\$500	\$1,000	included	included
South Hall: Use as stalls (per stall)	n/a	\$30	included	included
<b>Fields</b>				
Field East and West when rented together	\$2,250	\$4,500		
Field East or West	\$1,500	\$3,000		
Field East or West (4 hours or less)	n/a	\$500		
Polo Rate for Field West	n/a	\$500		
<b>Arena<sup>1/4</sup></b>				
Wendell	\$315	\$630	\$30/hr	
Arenas 3, 5A (covered)	\$300	\$600	\$30/hr	
Arenas 4, 5, 6, 7, 8	\$157.50	\$315	\$30/hr	
Arena 9	\$92	\$184	\$10/hr	
<b>Multi-Use Tent</b>	\$0.035/sq. ft.	\$0.07/sq. ft.		
<b>Parking Lots</b>				
Parking Lots A, B	\$150	\$300		
Parking Lot C	\$525	\$1,050		
Parking Lot F2	\$1,200	\$2,400		
Parking Lot H	\$1,825	\$3,250		
Parking Lot K	\$850	\$1,700		
Parking Lot K1 (new lot, formerly part of Lot K)	\$375	\$750		
Parking Lots M, R	\$232.50	\$465		
Facility Access for use of WestWorld roadways	\$1,250	\$2,500		
Drop in schooling rate for Equidome (based on availability)	n/a	\$250	per hour	
Horse Stall Rental (per stall)		\$18	per stall per day	
RV Parking Fee (per night)		\$29	per day	
<b>OTHER FEES</b>		<b>RATE</b>	<b>ASSESSED</b>	
Arena 8 cattle pens		\$65	per day	
Bleachers 5-row		\$125	per set	
Bleachers 10-row		\$300	per set	
Copies		\$0.20	per page	



Exhibit A

WestWorld Rate & Fee Schedule FY 2019/20 <sup>11 12 13 14</sup>		
OTHER FEES	RATE	ASSESSED
Drag	\$25	each additional
Dumpster Rental Fee - 40 yd container (City Solid Waste Fee)	\$468.38	per container
Fax	\$1.50	per page
Fire Extinguisher	Replacement Cost + 15%	
Holes, 1/8" diameter or less	\$20	each
Holes, greater than 1/8" in diameter	Replacement Cost + 15%	
Horse Stall Clean Out/Manure Haul Off (1st night regardless of usage)	\$18	1st night
Import of Shavings	\$250	per occurrence
IT: Hard line connection per port	\$85	per day
IT: Network/Wi-Fi service	\$475	per day
IT: City of Sootsdale IT Labor Pre-scheduled weekdays	\$125	per hour
IT: City of Sootsdale IT Labor Unscheduled weekdays	\$175	per hour
Keys & Locks	\$50	each
Labor- clean up rate	\$28	per hour
Labor - equipment rate	\$40	per hour
Light Towers	\$75	per day
Light Tower Fuel	Replacement Cost + 15%	
Livestock panels installed	\$0.65	per linear foot
Microphones	Replacement Cost + 15%	
Personal Property, Janitorial	Replacement Cost + 15%	
Portable Ticket Office	\$75	per day
Power Rate for 100 amp distribution box	\$175	per box per event
Power Rate for 50 amp distribution box	\$125	per box per event
Roll and pack arena floor	\$300	each
Roping Chutes and Boxes Installed	\$300	per show
Rough Stock Chutes and Stacking Alley Installed	\$1,500	per show
RV Use of dump station (non RV guest)	\$10	per dump
RV Use of dump station for commercial dump for WestWorld events	\$100	per dump
RV Use of dump station for outside pumping providers	\$250	per dump
RV dump access card fine for card not being returned	\$50	per occurrence
RV Gray Water Dumping Fine	\$100	per occurrence
Swamp Cooler	\$75	per day
Telephones in Show Office	\$50	each
Two-Way Radios	Replacement Cost + 15%	
Vendor Space for equestrian events: Commercial/Retail, per day (outside TNEC)	\$2.15	sq foot
Water	\$25.00	per occurrence

<sup>11</sup> Rates are valid July 1, 2019- June 30, 2020

<sup>12</sup> A discount of 15% for new events at the discretion of the WestWorld General Manager and City Manager

<sup>13</sup> An additional 5% seasonal discount off facility use fees for 1st time events booked for the months of June, July, August beginning 1/1/19.

<sup>14</sup> Outdoor arenas eligible for warm up rate. Equidome arena is excluded.

updated 1/31/19

RESOLUTION NO. 11440

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE,  
MARICOPA COUNTY, ARIZONA, AUTHORIZING AND APPROVING  
ADJUSTMENTS TO THE COMMUNITY SERVICES DIVISION  
SCHEDULE OF PROGRAM CHARGES, RENTAL FEES AND FINES.

WHEREAS, pursuant to Scottsdale Revised Code Section 20-52, the Community Services Division collects fees and charges for recreation, libraries, and human services programs as authorized by the City Council in Resolution No. 11120, adopted on May 22, 2018, which addressed reservation and use fees for certain facilities and equipment, miscellaneous fees, use priority policies, and methods for determining activity fees effective as of July 1, 2018;

WHEREAS, the Community Services Department has reviewed those fees, charges, and related matters, and has determined they should be adjusted; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. The City Council hereby authorizes and approves the Community Services Division to adjust its Schedule of Program Charges, Rental Fees and Fines to the amounts and policies stated in Exhibit "A," attached and by this reference made a part of this resolution, all to be effective July 1, 2019, which shall supersede those currently in effect pursuant to Resolution No. 11120.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 14<sup>th</sup> day of May, 2019.

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

ATTEST:

\_\_\_\_\_  
Carolyn Jagger, City Clerk

\_\_\_\_\_  
W.J. "Jim" Lane, Mayor

APPROVED AS TO FORM:



Bruce Washburn, City Attorney

By: Kimberly Campbell, Assistant City Attorney

**CITY OF SCOTTSDALE  
COMMUNITY SERVICES DIVISION  
SCHEDULE OF PROGRAM CHARGES,  
RENTAL FEES AND FINES**

**Effective July 1, 2019**

### Statement of Purpose

Throughout its history, the City of Scottsdale has developed open space and facilities for public uses and purposes. It is intended that many Community Services facilities, including neighborhood and community parks and buildings, and library and human services facilities, will be open for drop-in use without charge, unless reserved in advance. (Exceptions include commercial uses, public swimming pools, library auditoriums, kitchen facilities, Scottsdale Stadium, Scottsdale Sports Complex, designated ball fields and other facilities, as determined appropriate by the Community Services Director.)

For specified Community Services facilities and programs, a portion of the associated operating costs will be recovered from customers that benefit directly from the use of these facilities or participation in these programs. Community Services' fees and charges are reviewed annually, per adopted financial policy.

The priority of the use of Community Services public facilities is as follows:

1. The uses programmed by staff for that facility throughout the hours of operation of the particular facility to serve the targeted patrons of the facility, as identified by the facility manager and the Community Services Director.
2. Public uses where all or part of the associated operating costs will be recovered from customers that benefit directly from the use of these facilities or participation in these programs. This program charges, rental fees and fines policy is established for facility reservation and use discounts for Scottsdale residents, as approved by the City Council. The Community Services Director may make exceptions to this policy when the exceptions are consistent with the purposes of this policy and community interests are served.
3. Use by City divisions for meetings and events during the times of normal operation when a room is not being used for a purpose programmed by staff for the patron population or reserved for a community activity.

### Definition of Terms

**Commercial Activity.** Use by any individual, group, organization or business whose objective is to conduct business, or an undertaking intended for economic profit or private gain, whether or not income is realized, directly or indirectly, in or upon facilities designed to serve residents of the City of Scottsdale and general public. Activities used to enhance the reputation or lead to income-generating work in the future are considered a commercial use. This includes nonprofit organizations and educational groups that receive money from participants in activities. Examples of commercial use include, but are not limited to:

- An event managed or administered by a promoter (concert, weddings)
- Instructional classes (health/wellness lessons, dog training, private sessions)
- Personal training instruction (boot camps, fitness instruction)
- An activity with or without an entry fee, which may result in an immediate or future profit (tax preparation, estate planning, investment education or counseling, sales promotion)
- Any fundraising event conducted by a for-profit or non-profit organization.
- All youth camps/clinics and fundraising events.

*Exception to the commercial definition:*

Youth (18 and under) related organizations and/or groups that are not part of an educational institution are excluded from commercial use fees for field and facility reservations utilized for practices and meetings. The appropriate resident, non-resident, league/tournament or commercial fees will apply depending on the reservation request.

**Daily Admission.** All patrons entering a fee-based facility must check in at the front desk and pay the daily admission fee regardless of their intended facility use. Daily admission includes the use of all the amenities at the facility that are in operation. Re-entry to the facility on the same day that the daily admission is paid is permitted with a re-entry pass. Re-entry passes are issued at the front desk upon request when leaving the facility. Specific facility amenities that are available upon re-entry are subject to change and different hours of operation. Re-entry passes can only be redeemed at the facility that they were issued from on the same day.

**Drop-in Use.** Drop-in uses are without charge and are on a first-come, first-served basis, without having reserved the facility or space in advance. Advance reservations, however, have a higher priority and will displace drop-in uses.

- Commercial uses are not permitted on a drop-in basis and require a facility use permit.
- Facilities that are unavailable for drop-in use include public swimming pools, library auditoriums, kitchen facilities, Scottsdale Stadium, Scottsdale Sports Complex, designated ball fields and other facilities, as determined appropriate by the Community Services Director.

**Fee Assistance.** The City of Scottsdale is able to provide fee assistance for selected fee-based recreation classes and programs. The fee assistance program is intended to serve Scottsdale residents who are determined to be eligible for assistance based on program guidelines based on income. Parks and Recreation administration staff will have written eligibility criteria program guidelines on file in the Leisure Education/Facilities Booking Office, will require verification of eligibility criteria and will oversee the approval process.

**Non-profit.** Refers to an organization that has been given tax-exempt status under section 501(c)(3) of the United States Internal Revenue Code. Proof of non-profit status, including such documents as the City may deem appropriate for such a determination, may be required by the City in considering an application for a facility reservation use permit.

**Non-Resident.** Anyone who does not live or own property within the corporate boundaries of the City of Scottsdale and pay property taxes to the City of Scottsdale.

**Processing Fee.** A nonrefundable fee charged for processing an activity registration or a facility reservation request. There is no processing fee for beer permits.

**Refunds.** Unless otherwise stated, all program refunds shall be prorated up to and including the 2<sup>nd</sup> class. No refunds after the 2<sup>nd</sup> class date. Classes priced at \$10 or less are nonrefundable.

**Resident.** Anyone who lives or owns property within the corporate boundaries of the City of Scottsdale and pays property taxes to the City of Scottsdale. Not all Scottsdale mailing addresses meet these criteria. Proof of City of Scottsdale residency may be required to determine if an applicant is eligible for a particular program and the applicable fee.

**Retail Sales.** Items are to be priced at a minimum of 110% of cost. Inventory reduction/promotional sales are allowed on a program basis as long as 110% of total inventory costs are recovered.

### **Fee Classifications and Policies**

#### **Classifications for Indoor and Outdoor Facilities Charges**

City of Scottsdale facilities are designated as reservable or non-reservable as determined by the Community Services Director.

#### **Resident and Non-Resident Fee Classification**

Uses of and reservations of use of a City of Scottsdale facility and/or equipment are subject to a Resident or Non-Resident fee unless the Reduced or No Fee classification or Commercial Fee classification is more appropriate. (Resident and Non-Resident fees are not applicable to the rental of Scottsdale Sports Complex or Scottsdale Stadium or to Library fines and fees.)

#### **Reduced or No Fee Classification**

Reduced or No Fee uses may include, but are not limited to:

- Facility reservations and youth programming that collaborate with Scottsdale Unified School District where expenses are shared between both agencies.
- City authorized sponsored, co-sponsored, and partner uses as outlined in and subject to the terms and conditions of the *City of Scottsdale Sponsorship Policy*, the *City of Scottsdale Co-Sponsorship Policy*, and the *Youth Aquatic Facility Allocation Policy*.
- Public meetings with Federal and State Congressional Representatives when not, in the judgment of the City, related to elections for public office or ballot questions.
- Reciprocal use or benefit provided for in an intergovernmental agreement, or otherwise authorized in a City agreement or contract.
- City authorized agreements.
- Use of facilities or equipment by City staff and other City divisions for City purposes.

Reservations subject to the Reduced or No Fee classification may still be responsible for the Processing Fee and "out-of-pocket" expenses, such as staffing, lighting and utilities.

Notwithstanding the foregoing, the Community Services Director may waive or reduce fees for organizations that (i) provide services to those in need, (ii) provide services as a substitute for a City program, or (iii) otherwise contract or partner with the City.

#### **Commercial Fee Classification**

The commercial fee rate (including adherence to City of Scottsdale tax and license requirements) applies to requests by an individual, organization or business to use a facility for a commercial activity whether or not income is realized at the time of the use. Certain City facilities such as tennis courts, weight rooms and other facilities as determined by the Community Services Director may only be scheduled for commercial use outside of normal public use time or in designated low public use times, or may not be available for commercial activities at all.

- Outdoor Park Commercial Use Fee. The Community Services Division reserves the right to assign designated commercial use areas in park outdoor facilities where the requested commercial use

does not require a designated reservable facility. A commercial use permit is required and permit fee will be charged for such designations.

- Preserve Commercial Permit Fee. Commercial permit fees for the Preserve are assessed for various commercial activities such as guided hikes, trail rides and rock climbing excursions. Fee includes annual application fee with renewal option and per customer user fee paid to the City by permittee.

### **Scottsdale Sports Complex Fee Classification**

A request to reserve or use Scottsdale Sports Complex (SSC) facilities shall be subject to a fee unless the *Reduced or No Fee* classification is applicable. All uses shall be subject to the written rules and regulations for SSC and the Facility Use Agreement that authorizes a particular use.

SSC facility use fees are calculated to recover a portion of the costs directly related to day-to-day operation of the facility including program staffing, contracted services, and commodities, in addition to associated facility rental fees. Premium rates may be charged for larger/higher quality fields, as well as primetime rentals for weekends and holidays with the approval of the Community Services Director. Discounts may be allowed for multiple rentals, non-primetime rentals, and youth-related activities with the approval of the Community Services Director.

The Community Services Director may authorize the receipt of in-kind services, promotion or marketing services, in partial or full payment of fees, when reasonable and in the best interests of the City. The fair market value of the in-kind services, promotion or marketing services received by the City shall be used to determine the extent to which fees are offset.

### **Stadium Fee Classification**

A request to reserve or use Scottsdale Stadium facilities shall be subject to a Stadium fee unless the *Reduced or No Fee* classification is applicable. All uses shall be subject to the written rules and regulations for Scottsdale Stadium and the Facility Use Agreement that authorizes a particular use. The stated fees are effective for contracts created while this policy is in effect, even if a revised policy is in effect by the time of the event.

Stadium Event Fees are minimum fees, calculated to recover a minimum of 100% of the costs directly related to conducting the event, including but not limited to program staff, contracted services, supplies, equipment, lighting, flooring, catering and security, in addition to associated facility rental fees. Resident and non-resident fee classifications are not applicable at the Scottsdale Stadium. Additional fees may be charged with the approval of Community Services Director.

The Community Services Director may authorize the receipt of in-kind services, promotion or marketing services, in partial or full payment of fees, when reasonable and in the best interests of the City. The fair market value of the in-kind services, promotion or marketing services received by the City shall be used to determine the extent to which fees are offset.

### **Indian School Park Professional Baseball Facilities (ISP) Fee Classification**

A request to reserve or use Indian School Park Professional Baseball Facilities shall be subject to an ISP fee unless the *Reduced or No Fee* classification is applicable. All uses shall be subject to the written rules and regulations for ISP use and the Facility Use Agreement that authorizes a particular use.



ISP facility use fees are minimum fees, calculated to recover a minimum of 100% of the costs directly related to conducting the activity, including but not limited to maintenance staff, contracted services, supplies, equipment, lighting, in addition to associated facility rental fees. Resident and non-resident fee classifications are not applicable at the ISP Professional Baseball Facilities. Additional fees may be charged with the approval of Community Services Director. Premium rates may be charged for primetime rentals for weekends and holidays with the approval of the Community Services Director. Discounts may be allowed for multiple rentals, non-primetime rentals, and youth-related activities with the approval of the Community Services Director.

The Community Services Director may authorize the receipt of in-kind services, promotion or marketing services, in partial or full payment of fees, when reasonable and in the best interests of the City. The fair market value of the in-kind services, promotion or marketing services received by the City shall be used to determine the extent to which fees are offset.

#### **Tournament and League Fee (Fields and Sand Volleyball Courts)**

- Volleyball – \$12 per hour, per court (outlined in the sand volleyball court rental policy)
- Fields – Daytime – \$30/hour/field; Evening after 6pm – \$45/hour/field (includes field lighting)

#### **Pilot Fees**

The Community Services Director may authorize fees for programs conducted on a trial or “pilot” basis of approximately one year or less. This pilot period can help the Community Services Division assess the success of the fee and determine whether to implement on a long-term sustainable basis. Any pilot fee must comply with any state law requirements – e.g., for any new or increased fee, provide the required notice and review at the applicable board or commission meeting before the Community Services Director authorizes and implements the fee. If implemented on a long-term basis, the fee is subject to approval by the city council.

#### **Facility and Equipment Charges**

The following table lists Community Services facilities and equipment charges for residents, non-residents and commercial rates if applicable, unless the charge is modified as set forth in this policy.

<b>Community Services Facilities and Equipment</b>		<b>Resident</b>	<b>Non-Resident</b>	<b>Commercial</b>
<b>Processing Fee</b>				
Processing Fee Formula		See page 13	See page 13	See page 13
Card Fee (excluding McDowell Mountain Ranch Skate Park)	Per Person	\$5	\$5	
Card Fee – McDowell Mountain Ranch Skate Park (replacement card)	Per Person	\$8	\$8	
Copy Machine Use	Per Copy	\$0.25	\$0.25	
Event Fast Pass	Per Person	\$10	\$10	
Fax Outgoing	Per Page	\$1	\$1	
<b>Adult Sports</b>				
Forfeit fee	Each Game	\$15	\$15	
Protest	Each Game	\$10	\$10	
<b>Aquatics-Cactus, Chaparral, Eldorado</b>				
Pool Rental (plus lifeguards)	Per Hour	\$30	\$60	\$120

<b>Community Services Facilities and Equipment</b>		<b>Resident</b>	<b>Non-Resident</b>	<b>Commercial</b>
Public swimming daily admission, Adult	Per Person	\$3	\$5	
Public swimming daily admission, Youth	Per Person	\$2	\$3	
Lap swimming and Fitness Center daily admission, Adult	Per Person	\$3	\$5	
Lap swimming and Fitness Center daily admission, Youth	Per Person	\$2	\$3	
<b>Aquatics-McDowell Mountain Ranch</b>				
Pool Rental (plus lifeguards)	Per Hour	\$40	\$80	\$160
Public swimming daily admission, adult	Per Person	\$6	\$9	
Public swimming daily admission, youth	Per Person	\$4	\$6	
Lap swimming and Fitness Center Daily admission, Adult	Per Person	\$3	\$5	
Lap swimming and Fitness Center Daily admission, Youth	Per Person	\$2	\$3	
Courtyard (2 hr minimum)	Per Hour	\$25	\$50	\$100
Island Rental (2 hr minimum) (limit of 25 ppl)	Per Hour	\$20	\$40	\$80
<b>Beer / Alcohol Permit (one or more persons)</b>	Per Day	\$15	\$15	
<b>Club SAR Daily Admission</b>	Per Day	\$4	\$6	
<b>Diversion Program Fee</b>	Per Person	\$40		
<b>Equipment Rental – Libraries &amp; Senior Centers</b>				
A/V Equipment	Per Event	\$75	\$75	\$75
<b>Equipment Rental – Parks &amp; Recreation</b>				
A/V Equipment	Per Event	\$50	\$50	\$50
Tennis ball machine-Court cost (day/evening)	Per Hour	\$11/\$15	\$11/\$15	
Tennis ball machine-Court cost (day/evening)	Per 1.5 Hours	\$13/\$17	\$13/\$17	
Tennis ball machine-Court cost (day/evening)	Per 2 Hours	\$15/\$19	\$15/\$19	
Tennis Ball Usage, Basket of Balls	Per Hour	\$2	\$2	
<b>Facility Room Rental-Indoor</b>				
Extra Small (max capacity 20)	Per Hour	\$5	\$10	\$20
Small (less than 500sf; max capacity 30)	Per Hour	\$15	\$30	\$60
Medium (501-1000sf; max capacity 79)	Per Hour	\$20	\$45	\$90
Large (1001-2499sf; max capacity 149)	Per Hour	\$40	\$55	\$150
Extra Large (2500+sf; capacity 150+)	Per Hour	\$60	\$85	\$180
Kitchen – 1 hour minimum	Per Hour	\$10	\$20	\$40
Commercial Kitchen – 1 hour minimum	Per Hour	\$15	\$30	\$60
<b>Facility Rental-Outdoor</b>				
Amphitheater	Per Day	\$50	\$100	\$200
Court Lighting	Per Hour	\$4	\$4	\$4
Court – Adult Tennis/Racquetball (Daytime)	Per Person/ 1.5 Hours	\$3	\$5	

<b>Community Services Facilities and Equipment</b>		<b>Resident</b>	<b>Non-Resident</b>	<b>Commercial</b>
Court – Adult Tennis/Racquetball (6pm-9pm)	Per Person/ 1.5 Hours	\$5	\$8	
Court – Youth Tennis/Racquetball (Daytime Ages 12 and under)	Per Person/ 1.5 Hours	\$2	\$3	
Court – Youth Tennis/Racquetball (6pm-9pm Ages 12 and under)	Per Person/ 1.5 Hours	\$3	\$5	
Court/Tennis – Tournament	Per Match	\$5	\$5	\$5
Court/Volleyball – Grass	Per Day	\$5	\$10	\$20
Court/Volleyball – Sand	Per Hour	\$16	\$16	\$16
Court/Volleyball – Sand Tourney/League Fee	Per Hour	\$12	\$12	\$12
Field/Baseball/Soccer/Softball – Daytime	Per Hour	\$10	\$20	\$40
Field/Baseball/Soccer/Softball – Evening (after 6pm)	Per Hour	\$25	\$35	\$55
Field Preparation – Standard	Per Day	\$35	\$35	\$35
Field Preparation – Custom	Per Day	\$50	\$50	\$50
Film Permit Fee - Non-Reservable Area	Per Day	\$30	\$45	\$300
Youth Sports Field Allocation Partner – Field Rental Fee	Per Hour/ Per Field	\$5	\$5	
Large Ramada – Sept-May	Per Rental	\$65	\$65	\$65
Medium Ramada – Sept-May	Per Rental	\$50	\$50	\$50
Small Ramada – Sept-May	Per Rental	\$30	\$30	\$30
All reservable ramadas and picnic areas for a group of 500 or more – Sept-May	Per Day	\$300	\$600	\$1,200
Picnic Area – Sept-May	Per Rental	\$20	\$20	\$20
Large Ramada – Jun-Aug	Per Rental	\$33	\$33	\$33
Medium Ramada – Jun-Aug	Per Rental	\$25	\$25	\$25
Small Ramada – Jun-Aug	Per Rental	\$15	\$15	\$15
All reservable ramadas and picnic areas for a group of 500 or more – Jun-Aug	Per Day	\$150	\$300	\$600
Picnic Area – Jun-Aug	Per Rental	\$10	\$10	\$10
Multiuse Path	Per Day	\$250	\$250	\$250
Disc Golf Course	Per Day			\$120
Outdoor Event	Per Event/ Per Location			\$120
Park Commercial Use Area	Per Year			\$300
Parking Lot	Hourly or Daily	\$50/Hour \$320/Day	\$50/Hour \$320/Day	\$62/ Hour \$400/Day
Preserve Initial Commercial Fee	Oct-April			\$100
Preserve Renewal Commercial Fee	Oct-April			\$50
Preserve Commercial Fee-Per Person				\$3.50/person
<b>Facility Rental-McDowell Mountain Ranch Skate Park</b>				
Skate Park Card Fee (replacement)	Per Person	\$8	\$8	

<b>Community Services-Facilities and Equipment</b>		<b>Resident</b>	<b>Non-Resident</b>	<b>Commercial</b>
Skate Park Card Pass (lifetime pass – includes \$8 cost of new card)	Per Person	\$26	\$26	
Skate Park Drop-In	Per Person	\$1	\$1	
Skate Park Event Fee (capacity 1-50) (2 hr minimum)	Per hour			\$70
Skate Park Event Fee (capacity 51-125) (2 hr minimum)	Per hour			\$100
Skate Park Event Fee (capacity up to 125)	Per Day			\$800
<b>Facility Rental-McCormick/Stillman Railroad Park</b>				
All-day Wristband	Per Person	\$10	\$10	
Back of Park – Sept-May	Per Day	\$250	\$500	\$1,000
Front of Park – Sept-May	Per Day	\$200	\$400	\$800
Back of Park – Jun-Aug	Per Day	\$125	\$250	\$500
Front of Park – Jun-Aug	Per Day	\$100	\$200	\$400
Executive Car	Per Day	\$250	\$500	\$750
Gazebo	Per Day	\$50	\$100	\$200
Historic Railroad Museum entry fee (Two tickets to enter for ages 13 and older).	Per Ticket	\$1	\$1	
Large Ramada – Sept-May	Per Rental	\$95	\$95	\$95
Medium Ramada – Sept-May	Per Rental	\$65	\$65	\$65
Small Ramada – Sept-May	Per Rental	\$38	\$38	\$38
Large Ramada – Jun-Aug	Per Rental	\$48	\$48	\$48
Medium Ramada – Jun-Aug	Per Rental	\$33	\$33	\$33
Small Ramada – June-Aug	Per Rental	\$19	\$19	\$19
All reservable ramadas and picnic areas for a group of 500 or more – Sept-May	Per Day	\$450	\$900	\$1,800
All reservable ramadas and picnic areas for a group of 500 or more – Jun-Aug	Per Day	\$225	\$450	\$900
Train Ride* (Ages 2 and under free) *40% school group discount M-F. Res req'd.	Per Ride	\$3	\$3	
Carousel Ride* (Ages 2 and under free) *40% school group discount M-F. Res req'd.	Per Ride	\$3	\$3	
Train/Carousel Ticket Book – ask for availability				
Arboretum Train (Saturdays)	Per Ticket	\$2	\$2	
Holiday Lights Train (Ages 2 and under free)	Per Ticket	\$5	\$5	
Holiday Lights Train - Fast Pass	Per Pass	\$15	\$15	
<b>Facility Rental-Senior Centers</b>				
Senior Center Fitness Center Daily Admission	Per Day	\$3	\$4.50	
Daily Drop-in Table Tennis	Per Day/Per Participant	\$2	\$2	

<b>Aquatics-Lap Lane Rental Fees</b>		<b>Fee</b>
Commercial Lap Lane Rental-Short Course	Per Lane/Per Hour	\$10
Commercial Lap Lane Rental-Long Course	Per Lane/Per Hour	\$23
Sponsored Team/Partner Lane Rental - Short Course	Per Lane/Per Hour	\$4
Sponsored Team/Partner Lane Rental - Long Course	Per Lane/Per Hour	\$7
Sponsored Team/Partner – Dive Well Rental	Per Hour	\$12
Sponsored Team/Partner – Non-Resident Participant	See Formula	See page 15
<b>Aquatics:Sponsored/Partner/Contracted Teams - Room Rental</b>	See Formula	See page 15

<b>Facility Rental-Scottsdale Stadium</b>	<b>Stadium Rate/Hour</b>	<b>Commercial Rate/Hour</b>	<b>Stadium Rate/Day</b>	<b>Commercial Rate/Day</b>
Activity room/patio	\$46/Hour	\$58/Hour	\$320/Day	\$400/Day
Advertising	\$100-\$20,000			
Batting Cage (Per Cage)	\$20/hour	\$25/hour	\$120/Day	\$150/Day
Berm	\$25/Hour	\$32/Hour	\$160/Day	\$200/Day
Bleachers			\$125/Day	\$156/Day
Bull Pen			\$30/Day	\$38/Day
Centerfield Novelty Area	\$11/Hour	\$14/Hour	\$80/Day	\$100/Day
Chair			\$1/Day	
Cleaning Fee	\$25-\$2,500			
Concourse	\$80/Hour	\$100/Hour	\$520/Day	\$650/Day
Conference Room	\$7/Hour	\$9/Hour	\$48/Day	\$60/Day
Copy Machine Use - \$0.25/copy	N/A	N/A	N/A	N/A
Dugout			\$25/Day	\$32/Day
Entire Stadium	\$300/Hour	\$360/Hour	\$2,000/Day	\$2,500/Day
Fax Outgoing	Per Page	\$1	\$1	
Field – September-May	\$100/Hour	\$125/Hour	\$600/Day	\$750/Day
Field – June-August	\$50/Hour	\$63/Hour	\$300/Day	\$375/Day
Field Lighting	\$50/Hour	\$62/Hour		
Field Preparation - Custom			\$50/Day	\$62/Day
Film Permit Fee (non-stadium rental)			\$60/Day	\$120/Day
Folding Table			\$10/Day	\$12/Day
Front Lawn	\$25/Hour	\$32/Hour	\$160/Day	\$200/Day
Home Clubhouse			\$150/Day	\$188/Day
Locker Room – Visitor			\$75/Day	\$94/Day
Palm Court and Covered Concourse	\$45/Hour	\$56/Hour	\$300/Day	\$375/Day
Parking Lot	\$50/Hour	\$62/Hour	\$320/Day	\$400/Day
Picnic Table			\$25/Day	\$32/Day
Pavilion (Charro Lodge)	\$75/Hour	\$94/Hour	\$480/Day	\$600/Day
Pitching Mounds	\$20/hour	\$25/hour	\$120/Day	\$150/Day
Portable Sound System			\$50/Day	\$63/Day
Press Box – Patio	\$27/hour	\$34/Hour	\$192/Day	\$240/Day
Press Box – Section A	\$10/Hour	\$12/Hour	\$72/Day	\$90/Day

<b>Facility Rental-Scottsdale Stadium</b>	<b>Stadium Rate/Hour</b>	<b>Commercial Rate/Hour</b>	<b>Stadium Rate/Day</b>	<b>Commercial Rate/Day</b>
Press Box – Section B	\$11/Hour	\$14/Hour	\$80/Day	\$100/Day
Press Box – Main	\$32/Hour	\$40/Hour	\$224/Day	\$280/Day
Projection System w/Screen			\$50/Day	\$62/Day
Ramada	\$30/Hour	\$38/Hour	\$165/Day	\$206/Day
Sandbag (each bag)			\$2.50/Day	
Scoreboard Logo/Message Design Service	\$35/Hour	\$44/Hour		
Scoreboard Use			\$75/Day	\$94/Day
Scoreboard Video Screen			\$150/Day	\$188/Day
Small Classroom	\$4/Hour	\$5/Hour	\$24/Day	\$30/Day
Stadium Practice Field (September-May)	\$30/Hour	\$38/Hour	\$195/Day	\$244/Day
Stadium Practice Field (June-August)	\$15/Hour	\$19/Hour	\$98/Day	\$122/Day
Stadium ½ Field (Infield)	\$10/Hour	\$12/Hour	\$72/Day	\$90/Day
Stands	\$50/Hour	\$62/Hour	\$320/Day	\$400/Day
Table Linen Fee			\$7/Linen	\$10/Linen
Team Store	\$46/Hour	\$58/Hour	\$320/Day	\$400/Day
Ticket Booth			\$48/Day	\$60/Day
TV Monitor with VCR/DVD			\$30/Day	\$38/Day
Washer and Dryer			\$64/Day	\$80/Day
<b>Facility Rental-Scottsdale Sports Complex (SSC)</b>		<b>Rate-Adult</b>	<b>Rate-Youth</b>	<b>Commercial Rate</b>
Corner Flags (Rental)	Per set of 4	\$10/Set	\$10/Set	
Entire Complex (fields, parking lots, patio) (minimum 2 days)	Per Day	\$1,700/Day	\$1,700/Day	
5K Race Course (half day only)		\$750/Half Day	\$750/Half Day	\$750/Half Day
Fields 1-10 (minimum 2 hours)	Per Field	\$30/Hour	\$30/Hour	
Field Lighting (Fields 1-4 only) (minimum 2 hours)	Per Field	\$15/Hour	\$15/Hour	
Field Preparation – Standard	Per Field	\$100	\$100	
Field Preparation – Custom	Per Field	\$150	\$150	
Parking Lots (stand-alone)- Southeast		\$500	\$500	
Southwest		\$400	\$400	
Northwest	Per Day	\$300	\$300	
Northeast		\$120	\$120	
Roller Hockey Area	Per Day	\$100	\$80	
Scoreboard	Per Day	\$25	\$25	
Special Use Fee - Designated Area (minimum 2 hours)	Per Hour	\$25	\$25	
Event Vendor Fee (2 days)	Per Tournament			\$100
5K Event Vendor Fee (1/2 day)	Per Event			\$25

Facility Rental-Indian School Park Professional Baseball Facilities		Rate
Indian School Park Field (minimum 4 hours)	Per Field / Per Hour	\$60
Indian School Park Field Preparation	Per Field Prepped	\$75

**Scottsdale Public Library Fines and Fees.** The following table lists Scottsdale Public Library fines and fees for residents, non-residents and commercial rates if applicable.

Scottsdale Public Library Fines and Fees		
New and High Demand Materials Overdue	Per Day	\$0.50
Interlibrary Loan Materials Overdue	Per Day	\$1
All Other Materials Overdue	Per Day	\$0.20
Maximum Overdue Fines	Per Item	Children and Teen Materials \$5 Adult Materials \$10
Account Balance Minimum when Customers Cannot Check Out Items	Minimum	\$10
Damaged/Lost Supplemental Materials/Contents	Per Item	\$5
Lost or Damaged Book Club to Go Tote Bags	Per Bag	\$20
Collection Agency Fee on Delinquent Account Sent to Collections	Per Account	\$15
Lost or Damaged Library Materials, Kit/Kit Contents Replacement*	Per item damaged/lost materials, kit contents or full kit	Actual cost of item or if multiple items, the average item cost of kit contents. If the material or equipment is provided to the Library by a non-City of Scottsdale partner, the fee charged will be up to the cost of the materials paid for by the partner organization.
Customer Account Sent to a Collection Agency Threshold	Minimum	\$25
Non-Resident Library Card Annual Fee	Annually	\$43
Hold Not Picked Up	Per Item	\$1
Returned Check and Credit Card Chargebacks		\$25
Interlibrary Loan Request Charge		No charge-except for any charges the lending library may assess, usually between \$5-\$20
Interlibrary Loan Not Picked Up	Per Item	\$1
Lost Interlibrary Loan		Cost assessed by the lending library
Black & White Print/Copy	Per Page	8.5 x 11 = \$0.25 8.5 x 14 = \$0.50 11 x 17 = \$0.50
Color Print/Copy	Per Page	8.5 x 11 = \$1.00 8.5 x 14 = \$1.75 11 x 17 = \$1.75
Black & White Microfilm/Microfiche Copy	Per Page	\$0.25
*Missing disc of multi-disc set (if replaceable)	Per Disc	\$10

<b>Scottsdale Public Library Room Rental</b>		<b>Resident</b>	<b>Non-Resident</b>	<b>Commercial</b>
	Capacity	Per Hour	Per Hour	Per Hour
<b>Civic Center</b>				
Auditorium	306	\$70	\$100	\$180
Copper Gallery	75	\$20	\$45	\$90
Gold Room	15/25	\$5	\$10	\$20
Silver Room	15/25	\$5	\$10	\$20
Gallery Meeting Room	18/28	\$5	\$10	\$20
Kitchen		\$10	\$20	\$40
<b>Mustang</b>				
Auditorium	140	\$50	\$70	\$120
Book Discussion Room	25/40	\$15	\$30	\$60
<b>Palomino</b>				
Multi-use Room	40	\$15	\$30	\$60
<b>Arabian</b>				
Meeting Room 1	18/28	\$5	\$10	\$20
Meeting Room 2	18/28	\$5	\$10	\$20
<b>Appaloosa</b>				
Meeting Room 1	25/40	\$15	\$30	\$60
Meeting Room 2	25/40	\$15	\$30	\$60
Exclusive Use – Meeting Rooms 1 & 2	50/80	\$20	\$45	\$90
AV Package available in most meeting rooms		\$75	\$75	\$75

#### Formula Schedule for Programming, Activity and Event Fees

The formulas shown below indicate how fees are to be determined for the programs and activities shown. The formulas relate directly to the City's costs for providing the activities. Costs are rounded to the next highest dollar where applicable. Program staff costs include the related benefit costs.

Discounted fees and/or incentive program may be established by the Community Services Director for promotion and marketing of fee-based programs and activities if total revenue is equal to the directly-related programming costs outlined in the program area recovery criteria.

Where indicated below, fees reflect the resident fee and the fees for non-resident are 50% higher than for residents.

**Adapted Services Special Interest Program.** The Adapted Services Special Interest program registration fee is based on 50% recovery of the directly-related costs, including instructor, supplies and equipment costs.

- The fee is calculated as half of the total cost for instructor, supplies, and equipment, divided by the minimum number of expected registrations. A non-resident fee (50% additional) is added to the program registration fee.

**Processing Fee.** The Processing fee is a minimum of 100% recovery of the Leisure Education system-wide related costs including registration system fees, part time staff costs, recreation brochure costs and facility



reservation guide costs. The total amount is divided by the total parks and recreation reservations and system-wide registrations. (Note: Processing fee is also referred to as administrative fee, registration fee, booking fee and withdrawal fee.)

**Adult Sports Leagues.** The Adult Sports League program registration fee is based on a minimum of 110% recovery of the directly-related costs, including program staff, all supplies and equipment, field/facility costs divided by the number of expected teams' registrations for a division. A processing fee is included in the program registration fee.

- Leagues: Softball, dodgeball, basketball, volleyball, flag football, kickball, racquetball and tennis.
- Staffing: Cost includes, but is not limited to, programming staff, site supervisors, officials and scorekeepers.
- Supplies and Equipment: Cost includes, but is not limited to, sports equipment, awards, chalk and paint and office supplies.
- Field/Facility: Cost includes, but is not limited to, field and facility costs as well as field preparation and light fees where applicable.

**Aquatics & Fitness Family Passes.** Aquatics & Fitness Family Passes are valid for unlimited visits during regularly-scheduled public recreational open swimming, lap swimming, and fitness center hours from Memorial Day through Labor Day. "Family" is defined as immediate family members. The passes can be used at the City of Scottsdale pools indicated on the pass. The Family Pass is a value if a family of four attends an aquatic and fitness facility more than twice per week for more than ten weeks of the fourteen-week season.

- **Generic Formula:** 2 Adults multiplied by the admission fee = X. 2 Youth multiplied by the admission fee = Y. Add X + Y and multiply that by 2 visits per week. Then multiply that by 10 weeks to give you the price of the pass. Additional Resident family members (adult or child) are \$80 for McDowell Mountain Ranch (MMR) passes and \$20 for all other pools. Additional Non-Resident family members (adult or child) are \$120 for MMR passes and \$30 for all other pools.
- **Aquatics Family Pass Pre-Season Sale.** The family pass for a family of four will be discounted during the Pre-Season Sale. The Pre-Season Sale will run annually from April 1 – May 31. After May 31, the Pre-Season Sale will conclude and passes will be sold for the standard price. The Pre-Season Sale rate is based on a 40% discount of the standard price for Chaparral, Cactus and Eldorado and a 60% discount of the standard price for the MMR Pass. Additional resident family members pay \$20 per additional member. A non-resident fee (50% additional) is added to the program registration fee.
- **Aquatics & Fitness Punch Passes.** Prepaid punch passes are for convenience only (except for discounted 30-Visit Pass below). They are calculated based on the current applicable admission cost times the number of punches. A non-resident fee (50% additional) is added to the program registration fee.
- **30-Visit Discount Pass:** Prepaid punch passes of 30 visits will be discounted by 20%. This pass is nonrefundable.

**Aquatics – Learn to Swim Classes.** The fee is based on a minimum of 75% recovery of directly-related costs, including program staff, supply and equipment costs.

- The total cost for the instructor, supplies, and equipment is divided by the minimum number of expected registrations. A non-resident fee (50% additional) is added to the program registration fee.

**Aquatics - Recreation Teams, Exercise and Fitness, Water Safety and Specialty Classes.** The fee is based on a minimum of 110% recovery of the directly-related costs, including program staff, supply and equipment costs.

- The total cost for the instructor, supplies, and equipment is divided by the minimum number of expected registrations. A non-resident fee (50% additional) is added to the program registration fee.

**Aquatics - Pool Cleaning.** The fee is based on a minimum of 110% recovery of the directly-related Aquatic Technician maintenance staff cost, based on hourly overtime rate (1-hour minimum).

**Aquatics Sponsored Team/Partner – Non-Resident Participant Fee.** Non-resident lap swim fee x number of months facilities are used by team = Non-resident annual participation fee.

**Aquatics Sponsored/Partner/Contracted Teams - Room Rental Fee.** 25% of the cost of a medium-sized room, per hour of use.

**Birthday Party (McCormick-Stillman Railroad Park).** The fee is based on a minimum of 100% recovery of the directly-related costs, including program staff, supplies and equipment.

- Also assessed are a "base package" charge (program staff, reserved party area, t-shirt for the party child) and a "per participant" charge for the children attending (ice cream, punch, paper engineer hat, post card, train and carousel ride, party supplies).

*Note:* Birthday parties are intended for children ages 3-8 years. It is recommended that not more than 20 children attend a party. Added fee is charged for each child above 20, as well as for a second "birthday party child". Parents (not of the immediate family of the birthday party child) may have ice cream and punch at an additional charge, and ride the train for \$3.00 each ride and the carousel for \$3.00 each ride.

**Classes and Excursions.** The fee is based on a minimum of 110% recovery of the directly-related costs including program staff, instructor, supplies, equipment, van rental and fuel, mileage and entrance fee, multiplied by the recovery percentage and then divided by the minimum number of expected registrations. A processing fee and a non-resident fee (50% additional) are added to the program registration fee.

**Club SAR Membership.** The fee is based on a minimum of 110% recovery of directly-related costs including staffing, supplies, contractual, commodity and capital expenses (equipment and maintenance costs), divided by the projected number of adult members.

- Annual membership rates will be rounded to the nearest \$5 increment.
- Youth membership rate (14-17 years of age) is set at one-half of the membership rate for an adult.
- Adult and youth passes are available.

**Community Services Additional Staffing Fee.** The fee is based on a minimum of 100% recovery of the directly-related additional staff cost. This fee is for additional staff assistance required for an event and/or activity. Requests for additional staff must be for a minimum of two hours.

- The fee is the total cost for the staff including the related benefit cost. An overtime rate will be calculated for staff working beyond forty hours in a week.

$\$XX.XX/\text{hr. pay rate} + \$XX.XX/\text{hr. benefit cost} = \$XX.XX/\text{hr. staffing cost}$  (rounded to next highest dollar).

**Community Services Facility & Equipment Damages Fee.** The fee is based on a 100% recovery of directly-related facility and equipment damage costs. This fee is assessed if damages are incurred beyond normal wear and tear by the licensee or any member of the group subject to the permit.

**Community Services Staff Cleanup/Late Stay Fee.** 300% of the directly-related staff cost may be assessed when a reservation goes beyond its reserved time or if it is necessary for staff to clean up after a reserved use. The charge will be assessed in hourly increments with a minimum of one hour.

**Human Services Court-Directed Program Fee.** This program is administered jointly by the Human Services Department and the City Court as part of Court-directed sentencing and referrals to include screening, assessment, evaluations, referrals, classes, and counseling services. One part of the program will involve on-site DUI screenings to address court customers' and citizens' treatment needs individually through a cost-avoidance system where the offender pays for the services. The Human Services Department will assess participants a fee equal to a minimum of 110% recovery of direct- and indirect-related program costs including staffing, contractual, commodity and capital outlay expenses divided by the projected number of participants.

**Individual Class Drop-In Fee.** This fee applies to classes which are available for registration for an entire class session. Not all classes will be available for drop-in attendance. Designation of classes that are available is determined on a programmatic basis. A non-resident fee (50% additional) is added to the program registration fee. The Drop-In Fee is a minimum of 110% recovery of the average direct instructor cost per class divided by course minimum, rounded up to the nearest dollar, plus \$2 convenience fee. The minimum Drop-In Fee is \$3.

**Program Trip.** The fee is based on 100% recovery of the directly-related program staff, supply, equipment, transportation and entry fee costs. It is inapplicable to trips to City or School District facilities, and designated City-produced special events where the participant has registered for a City program and is going on the trip with that program.

The fee is calculated as the total cost for the program staff, contracted service, supplies, equipment, van rental and fuel, and entry fee, divided by the projected number of participants. A non-resident fee (50% additional) is added to the program registration fee.

*Note:* Transportation by City van is calculated as the greater of the following:

- 50 cents/rider; or
- The number of miles estimated round trip, multiplied by the City mileage reimbursement rate then divided by the projected number of participants.

**Senior Services Fitness Center Membership.** The fee is based on a minimum of 110% recovery of directly-related costs including staffing, fitness supplies and equipment, contractual, commodity and capital

expenses (equipment and maintenance costs), divided by the projected number of fitness center members. A non-resident fee (50% additional) is included in the membership cost. Membership rates will be rounded to the nearest \$5 increment.

**Tennis Lesson.** The fee is based on a minimum of 110% recovery of the directly-related program staff, supply, and equipment costs.

- It is calculated by the total cost for the instructor, court reservation and lights (if needed), divided by the minimum number of expected registrations. A non-resident fee (50% additional) is added to the program registration fee.

**Youth Drop-In After-School and Drop-In Summer Programs:** The fee is based on a minimum of 100% recovery of the directly-related costs, including program staff, supplies, snacks, transportation, equipment costs and an administrative fee to be determined based on programmatic considerations. If there are transportation costs and entrance fees for excursions, they will be included in the price of the programs.

**Youth Sports Activities.** The fee is based on a minimum of 75% recovery of the directly-related costs, including program staff, supplies, snacks, equipment costs and an administrative fee to be determined based on programmatic considerations. 100% recovery of the "jersey/t-shirt" cost is assessed.

RESOLUTION NO. 11424

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE,  
MARICOPA COUNTY, ARIZONA, AUTHORIZING AN ADJUSTMENT OF FEES  
AND CHARGES BY THE FIRE DEPARTMENT

WHEREAS, the Fire Department collects fees and charges for certain services; and

WHEREAS, the Fire Department has reviewed those fees and charges and has  
determined that they should be adjusted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, as  
follows:

Section 1. The City Council, by this Resolution, authorizes the Scottsdale Fire Department  
to adjust its fees and charges for the services to the amounts set forth in Exhibit "A", attached and  
by reference made part of this Resolution, all to be effective July 1, 2019.

PASSED AND ADOPTED by the City Council of the City of Scottsdale, Arizona this 14th  
day of May, 2019.


City of Scottsdale, an  
Arizona Municipal Corporation

ATTEST:

\_\_\_\_\_  
W. J. "Jim" Lane  
Mayor

\_\_\_\_\_  
Carolyn Jagger  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bruce Washburn  
City Attorney  
By: Luis Santaella  
Senior Assistant City Attorney



"Exhibit A"

Resolution 11424

# Scottsdale Fire Department Fees & Charges Schedule

Draft 19/20

Number	Description	Fee/Charge
1	CPR Class	\$45.00
2	First Aid Class	\$45.00
3	Babysitting Class	\$45.00
4	Combo Class (CPR and First Aid)	\$45.00
5	Operations Incident Reports	\$5.00
6	EMS Encounter Report	\$5.00
7	Fire Scene Investigation Reports (incl. 30 pages) \$.25/page over 30	\$5.00
8	Fire Scene Investigation Photos (CD or Electronic)	\$5.00
9	Special Event Staffing - Range	\$35 - \$100 (Actual)
12	After-hours & Weekends Fire Inspections Hourly Rate (min 2-hrs)	\$125.00
13	Fire Service Safety Permits Basic Rate	\$175.00
14	Tent Fire Safety Permit	
	1 to 9 tents	\$175.00
	10 plus tents	\$525.00
15	Vehicle Display Safety Permit	
	1 to 9 vehicles	\$175.00
	10 plus vehicles	\$525.00
16	Fire Service Safety Permits Rush Rate (Under 10-days)	\$350.00
17	Fire Service Re-Inspection Fee	\$200.00
18	Fire Plan Review not associated with Building Permit	\$110.00
19	Fire Service Activity History Search per location	\$10.00
20	County Island Response Fee-per unit	\$1,347.00
21	Subpoena Request	\$12.00
22	Fire Protection System Compliance Reporting Fee	\$30.00
23	CERT Bags	\$35.00
	We accept cash, money order or personal check made payable to City of Scottsdale	

Changes

"EXHIBIT A"

Resolution 11424

# **Public Hearing & Adoption of FY 2019/20 Rates & Fees**

City Council

May 14, 2019

## **FY 2019/20 Rates & Fees**

- **Proposed Rate & Fee Changes Presented in Detail on March 5, 2019**
- **60 Day Posting Compliance**
- **Public Hearing**



## **FY 2019/20 Rates & Fees**

<b>Enterprise Funds</b>	<b>\$5.4 Million</b>
<b>Water Resources</b>	<b>\$3,855,219</b>
<b>Public Works</b>	<b>\$1,578,711</b>

## Dan Worth's 'Favorite Car'



## FY 2019/20 New/Adjusted Fees Estimated Revenue Increases:

General Fund		Special Programs Fund	
\$2.2 Million		\$0.6 Million	
C&ED – Planning & Development	\$2,015,700	Community Services	\$550,800
C&ED – Tourism & Events	\$23,100		
C&ED – WestWorld	\$80,500		
Community Services	\$54,600		
Public Safety - Fire	\$3,400		

## **FY 2019/20 Rates & Fees Recommendation**

**Adopt Resolution No. 11436 and Ordinance No. 4391**, amending Scottsdale Revised Code, Chapter 49, Water, Sewer and Sewage Disposal sewer/water reclamation rates and miscellaneous charges, effective July 1, 2019 and adjusting water rate (volumetric and base) charges effective November 1, 2019.

**Adopt Ordinance No. 4392**, amending Scottsdale Revised Code, Chapter 24, Solid Waste Management by adjusting solid waste rates and charges, effective July 1, 2019.

**Adopt Resolution No. 11418**, authorizing and approving adjustments to the Planning and Development Services Department's rates and fees, effective July 1, 2019.

**Adopt Resolution No. 11465**, authorizing the Tourism and Events Department to establish event directional banner fees.

**Adopt Resolution No. 11466**, authorizing the Tourism and Events Department to adjust their fees for special events and permits

**Adopt Resolution No. 11429**, authorizing and approving WestWorld's fees for FY 2019/20 and authorizing the City Manager to execute WestWorld's agreements than contain negotiated fees, effective July 1, 2019.

**Adopt Resolution No. 11440**, authorizing and approving adjustments to the Community Services Division schedule of program charges, rental fees and fines, effective July 1, 2019.

**Adopt Resolution No. 11424**, authorizing an adjustment of fees and charges by the Fire Department, effective July 1, 2019.

*The following slides are from the March 5, 2019 proposed rates and fees discussion. They are included as a resource only.*

**FY 2019/20**

# **Proposed Rates & Fees Changes**

City Council

March 5, 2019

# **Enterprise Rates & Fees Policy**

## **💧Enterprise Funds**

- Water, Sewer and Contractual Funds
  - Recovery of all direct and indirect costs of service
  - Rates based on multi-year financial plans

# **Enterprise - Water Resources**

## **Significant Cost Drivers**

### **💧Operational**

- Increasing actions required for drought preparedness including conservation initiatives and the rising costs of raw water
- Increasing groundwater treatment operating costs to improve the reliability, safety and water quality of Scottsdale wells
- Increasing costs of distribution and collection system maintenance
- Increasing costs for odor control maintenance and repair



# **Enterprise - Water Resources**

## **Significant Cost Drivers**

### CIP

- Drought Driven System Expansion
- Rehabilitation and Replacement
- Technology and Security

# Enterprise - Water Resources

## Significant CIP – Drought Driven System Expansion

Water Resources (In \$ Millions)	FY 2019/20 Request	5 Year
Cluster 3 Arsenic Treatment	\$7.5	\$7.5
Well Sites	\$0.0	\$1.8
Deep Well Recharge/Recovery Projects	\$5.0	\$6.7
Other	\$0.1	\$0.2
Total Drought Driven Capital Program	\$12.6	\$16.1

# Enterprise - Water Resources

## Significant CIP – Rehab and Replacement

Water Resources (In \$ Millions)	FY 2019/20 Request	5 Year
Booster Station Upgrades	\$0.0	\$6.3
Water Distribution Improvements	(\$2.0)	\$2.2
Water Treatment Improvements	\$2.3	\$6.4
Booster Station 57 Replacement	\$1.0	1.0
Wastewater Treatment Facility Improvements	\$1.3	3.4
Wastewater System Improvements	\$1.7	\$6.2
Other	(\$0.3)	\$6.3
Total Rehab and Replacement Driven Capital Program	\$4.0	\$31.7

# **Enterprise - Water Resources**

## **Significant CIP – Technology and Security**

<b>Water Resources (In \$ Millions)</b>	<b>FY 2019/20 Request</b>	<b>5 Year</b>
Water Meter Replacement Program	\$1.0	\$4.5
Other Technology Improvements	\$3.4	\$1.8
Security Improvements	\$0.0	\$0.7
Total Technology and Security Driven Capital Program	\$4.4	\$7.1

# Enterprise - Water Resources

## Long Term Financing

### 💧 Water and Sewer capital financing:

Fiscal Year	Water	Sewer	Combined Issuance
2020/21 Forecasted	\$25.0 million	-	\$25.0 million
2023/24 Forecasted	\$60.0 million	-	\$60.0 million

Long term debt is used for system rehabilitation and replacement and improved system capabilities.

# **Enterprise - Water Resources Rate and Service Charge Proposals**

- Proposed water rate increase (3.0%)
- Proposed sewer rate increase (2.0%)
- Proposed miscellaneous service charge increases  
(varied increase by type)

## Enterprise - Water Resources

### Water and Sewer Rates

	Estimated Revenue (Current)	% Change	Estimated Revenue (Increase)
Water Rates	\$100,433,620	3.0%	\$3,048,022
Sewer Rates	\$37,986,000	2.0%	\$764,663
Total Rates	\$138,419,620	2.8%	\$3,812,685



Proposed implementation date – November 1, 2019

## Enterprise - Water Resources

### Water Rates

Base Fees (All Customers)		
	Current	Proposed
5/8" Meter	\$12.40	<b>\$13.00</b>
3/4" Meter	\$16.00	<b>\$16.80</b>
1" Meter	\$22.60	<b>\$23.80</b>
1.5" Meter	\$37.20	<b>\$39.00</b>
2" Meter	\$49.70	<b>\$52.00</b>
3" Meter	\$98.80	<b>\$104.00</b>
4" Meter	\$154.40	<b>\$162.50</b>
6" Meter	\$308.90	<b>\$325.00</b>
8" Meter	\$430.00	<b>\$455.00</b>



## Enterprise - Water Resources

### Water Rates

Current Residential Use Including Landscaping Volume Charges (Rates Per 1K Gallons)			
Tier	Rate	From	To
1	\$1.65	0	5,000
2	\$2.95	5,001	12,000
3	\$3.75	12,001	30,000
4	\$4.85	30,001	65,000
5	\$5.70	Over 65,000	

Proposed Residential Use Including Landscaping Volume Charges (Rates Per 1K Gallons)			
Tier	Rate	From	To
1	\$1.65	0	5,000
2	<b>\$3.00</b>	5,001	12,000
3	<b>\$3.90</b>	12,001	30,000
4	<b>\$5.20</b>	30,001	65,000
5	<b>\$6.10</b>	Over 65,000	

Proposed implementation date – November 1, 2019

## Enterprise - Water Resources

### Water Rates

Current Commercial Use Including Landscaping Volume Charges (Rates Per 1K Gallons)			
Tier	Rate	From	To
1	\$1.65	0	5,000
2	\$2.95	5,001	12,000
3	\$3.75	12,001	30,000
4	\$4.25	Over 30,000	

Proposed Commercial Use Including Landscaping Volume Charges (Rates Per 1K Gallons)			
Tier	Rate	From	To
1	\$1.65	0	5,000
2	<b>\$3.00</b>	5,001	12,000
3	<b>\$3.90</b>	12,001	30,000
4	<b>\$4.60</b>	Over 30,000	

Proposed implementation date – November 1, 2019

Proposed implementation date – July 1, 2019

## Enterprise - Water Resources Sewer Rates

Base Fees (All Customers)		
Current		Proposed
5/8" Meter	\$3.50	<b><i>\$3.75</i></b>
3/4" Meter	\$3.50	<b><i>\$3.75</i></b>
1" Meter	\$3.50	<b><i>\$3.75</i></b>
1.5" Meter	\$21.00	<b><i>\$22.50</i></b>
2" Meter	\$49.00	<b><i>\$52.50</i></b>
3" Meter	\$63.00	<b><i>\$67.50</i></b>
4" Meter	\$92.00	<b><i>\$99.00</i></b>
6" Meter	\$175.00	<b><i>\$187.50</i></b>
8" Meter	\$245.00	<b><i>\$262.50</i></b>

## Enterprise - Water Resources

### Sewer Rates

Customer Category	Current Rates	Proposed Rates
Single Family Residential	\$2.64	<b>\$2.67</b>
Multi Family Residential	\$2.64	<b>\$2.67</b>
Commercial Without Dining	\$2.64	<b>\$2.67</b>
Commercial With Dining	\$3.52	<b>\$3.56</b>
Hotels Without Dining	\$2.88	<b>\$2.91</b>
Hotels With Dining	\$3.52	<b>\$3.56</b>
Car Washes	\$2.61	<b>\$2.64</b>

Customer Category	Current Rates	Proposed Rates
Commercial Laundry	\$3.17	<b>\$3.20</b>
Metal Platers	\$2.91	<b>\$2.94</b>
Laundromats	\$2.64	<b>\$2.67</b>
Restaurants/Bakeries	\$4.92	<b>\$4.97</b>
Service Station Auto Repair	\$2.64	<b>\$2.67</b>
Medical Institutions	\$2.64	<b>\$2.67</b>
Schools	\$2.64	<b>\$2.67</b>

Proposed implementation date – July 1, 2019



## Enterprise - Water Resources Historical Rate Changes

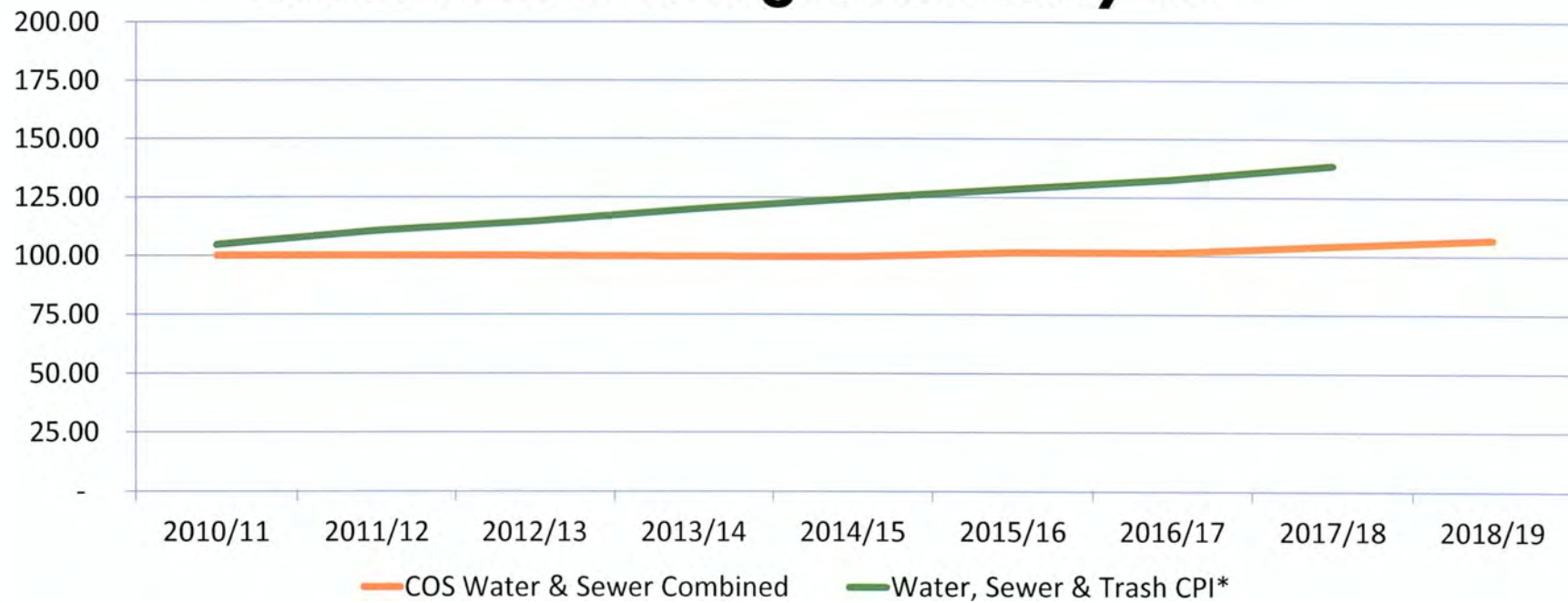
### 💧 Water and Sewer Average Rate Adjustments:

Negative Percentages:  
Rate reductions driven  
by rate structural  
changes as  
recommended by cost  
of service study  
results and revenue  
stability goals.

Fiscal Year	Water	Sewer	Weighted Average
2014/15	- 0 -	(1.2%)	(0.3%)
2015/16	1.3%	2.6%	1.7%
2016/17	- 0 -	- 0 -	- 0 -
2017/18	2.9%	2.6%	2.8%
2018/19	2.8%	1.5%	2.5%
2019/20	3.0%	2.0%	2.8%
6 Yr Average	2.0%	1.7%	1.9%

\*Water, Sewer and Trash Collection Services CPI/All Urban Consumers

## Enterprise - Water Resources Historical Rate Changes and Utility CPI



Proposed implementation date – July 1, 2019

## Enterprise - Water Resources Miscellaneous Service Charges

Service Charges	Estimated Transactions	FY 2018/19 Fee	Proposed FY 2019/20 Fee	Increase Amt	% Change	Estimated Revenue Change
5/8" Service Line	3	\$1,215	\$1,277	\$62	5%	\$186
5/8" Meter and Service Line	3	\$1,465	\$1,539	\$74	5%	\$222
3/4" Service Line	20	\$1,215	\$1,277	\$62	5%	\$1,240
3/4" Meter and Service Line	20	\$1,515	\$1,583	\$68	4%	\$1,360
1" Service Line	250	\$1,220	\$1,281	\$61	5%	\$15,250
1" Meter and Service Line	250	\$1,535	\$1,612	\$77	5%	\$19,250
1.5" Service Line	15	\$1,795	\$1,885	\$90	5%	\$1,350
1.5" Meter and Service Line	15	\$2,325	\$2,442	\$117	5%	\$1,755
2" Service Line	5	\$2,065	\$2,169	\$104	5%	\$520
2" Meter and Service Line	5	\$2,725	\$2,862	\$137	5%	\$685
Additional Water Fund Revenue						\$41,818



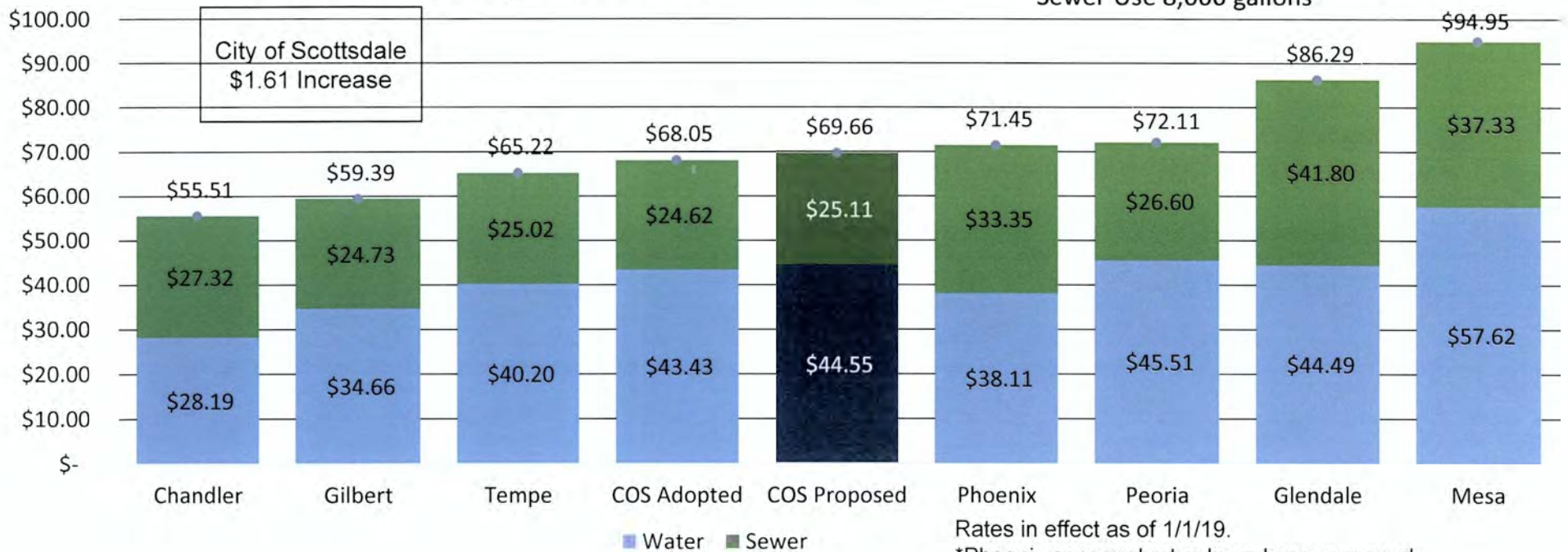
## Enterprise - Water Resources Miscellaneous Service Charges

Service Charges	Estimated Transactions	FY 2018/19 Fee	Proposed FY 2019/20 Fee	Increase Amt	% Change	Estimated Revenue Change
1" Construction Hydrant Meter Deposit	10	\$500	\$750	\$250	50%	NA*
1.5" Fire Service Line	2	\$1,700	\$1,785	\$85	5%	\$170
2" Fire Service Line	2	\$1,813	\$1,904	\$91	5%	\$182
Turn Off/On Service Within 24 Hour Period	2	\$135	\$142	\$7	4%	\$14
Raise/Lower Meter Over 15 Feet	5	\$200	\$210	\$10	5%	\$50
Commercial Water Hauler Capital Recovery	60	\$15	\$20	\$5	33%	\$300
*Deposit is refunded when meter is returned						Additional Water Fund Revenue
						\$716



# Utility Comparison

Residential Utility Bill Comparison  
Water Use 11,500 gallons on 5/8" Meter and  
Sewer Use 8,000 gallons

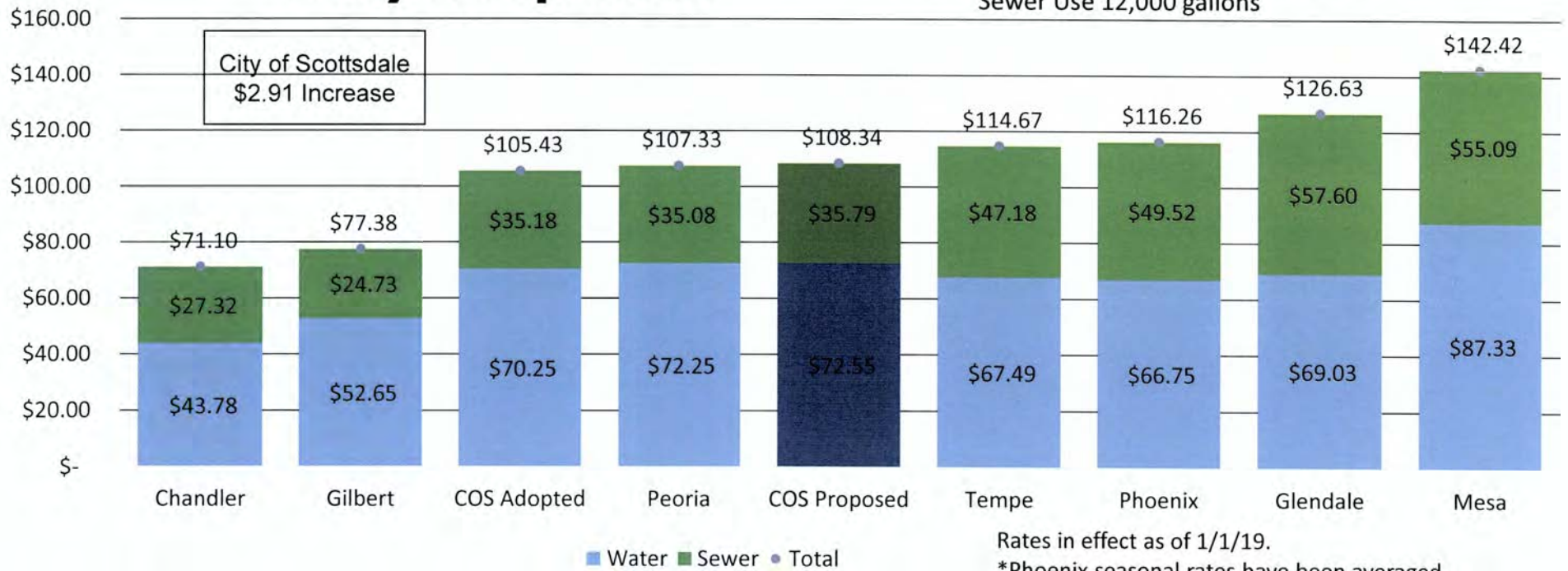


Rates in effect as of 1/1/19.

\*Phoenix seasonal rates have been averaged.

# Utility Comparison

Residential Utility Bill Comparison  
Water Use 17,000 gallons on 1" Meter and  
Sewer Use 12,000 gallons



💧 Questions?

# **Enterprise Rates & Fees Policy**

- Enterprise Funds
  - Solid Waste Fund
    - Recovery of all direct and indirect costs of service
    - Rates based on multi-year financial plans

## Solid Waste: Proposed FY 2019/20 Rates

	Type	FY 2018/19 Rate	FY 2019/20 Rate	% Incr.
<b>RESIDENTIAL</b>	First Can	\$17.25	\$18.75	8.7%
	Additional Can	\$8.76	\$9.50	8.7%
<b>COMMERCIAL</b>				
Front Load	2 Cubic Yard	\$82.50	\$84.55	2.5%
	3 Cubic Yard	\$88.75	\$90.95	2.5%
	4 Cubic Yard	\$95.25	\$97.65	2.5%
	5 Cubic Yard	\$101.25	\$103.80	2.5%
	6 Cubic Yard	\$107.50	\$110.20	2.5%
	8 Cubic Yard	\$116.75	\$119.65	2.5%
Roll-Off (incl. 3 tons)		\$468.38	\$468.38	0.0%
Recycling Carts	90 Gallon	\$9.15	\$9.15	0.0%
	300 Gallon	\$29.90	\$29.90	0.0%
Container Recycling	2 Cubic Yard	\$65.02	\$65.02	0.0%
	3 Cubic Yard	\$68.34	\$68.34	0.0%
	4 Cubic Yard	\$71.66	\$71.66	0.0%
	6 Cubic Yard	\$78.30	\$78.30	0.0%
	8 Cubic Yard	\$84.95	\$84.95	0.0%



## Solid Waste: Proposed Five-Year Increases

		FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
<b>RESIDENTIAL</b>	First Can	8.7%	8.6%	3.5%	3.5%	3.5%
	Additional Can	8.7%	8.6%	3.5%	3.5%	3.5%
<b>COMMERCIAL</b>						
Front Load	2 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	3 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	4 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	5 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	6 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	8 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
<b>Roll-off (incl. 3 tons)</b>		0.0%	0.0%	0.0%	0.0%	0.0%
<b>Recycling Carts</b>	90 Gallon	0.0%	3.0%	3.0%	3.0%	3.0%
	300 Gallon	0.0%	3.0%	3.0%	3.0%	3.0%
<b>Container Recycling</b>	2 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	3 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	4 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	6 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	8 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%

# Solid Waste: Strategic Plan Implementation

	Policy	Objective
Policy 1	Single family residential diversion	50% by 2030
Policy 2	City facilities and programs diversion	90% by 2030
Policy 3	Multi-family residential diversion	30% by 2030
Policy 4	Commercial diversion	30% by 2030
Policy 5	Minimize waste generation	Expand education programs
Policy 6	Reduction, reuse of building materials	Reduction in landfilled waste for CIP projects
Policy 7	Use solid waste & recyclable materials as marketable commodities	New opportunities, marketing revenue
Policy 8	Promote composting, reduce biodegradable waste to landfill	Divert 75% of brush & bulk to green waste uses

# Solid Waste: Strategic Plan Implementation

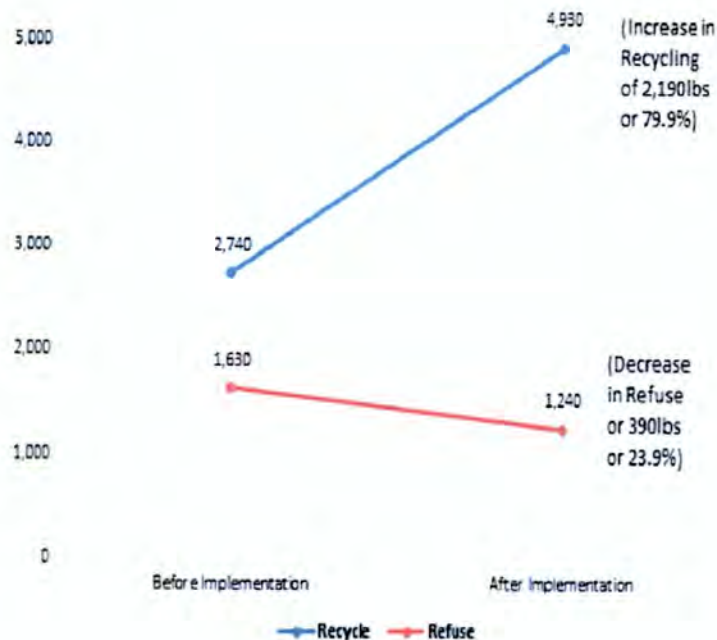
- Policy 1 (residential diversion), 8 (organics): Changes to brush & bulk
- 2018 Scottsdale Citizen Survey
  - “Yard Waste Pickup” had 84% “good” or “excellent”
  - Only service surveyed with statistically significant improvement over previous survey





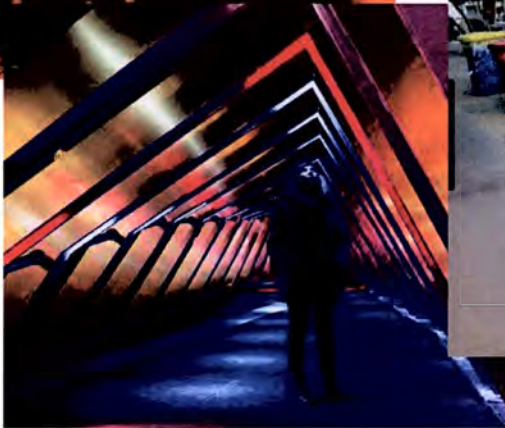
# Solid Waste: Strategic Plan Implementation

- Policy 2 (City facilities and events): Recycling in City offices and buildings



- North Corporation Yard: 63% before, 80% after
- Similar recycling increases in One Center

# Solid Waste: Strategic Plan Implementation

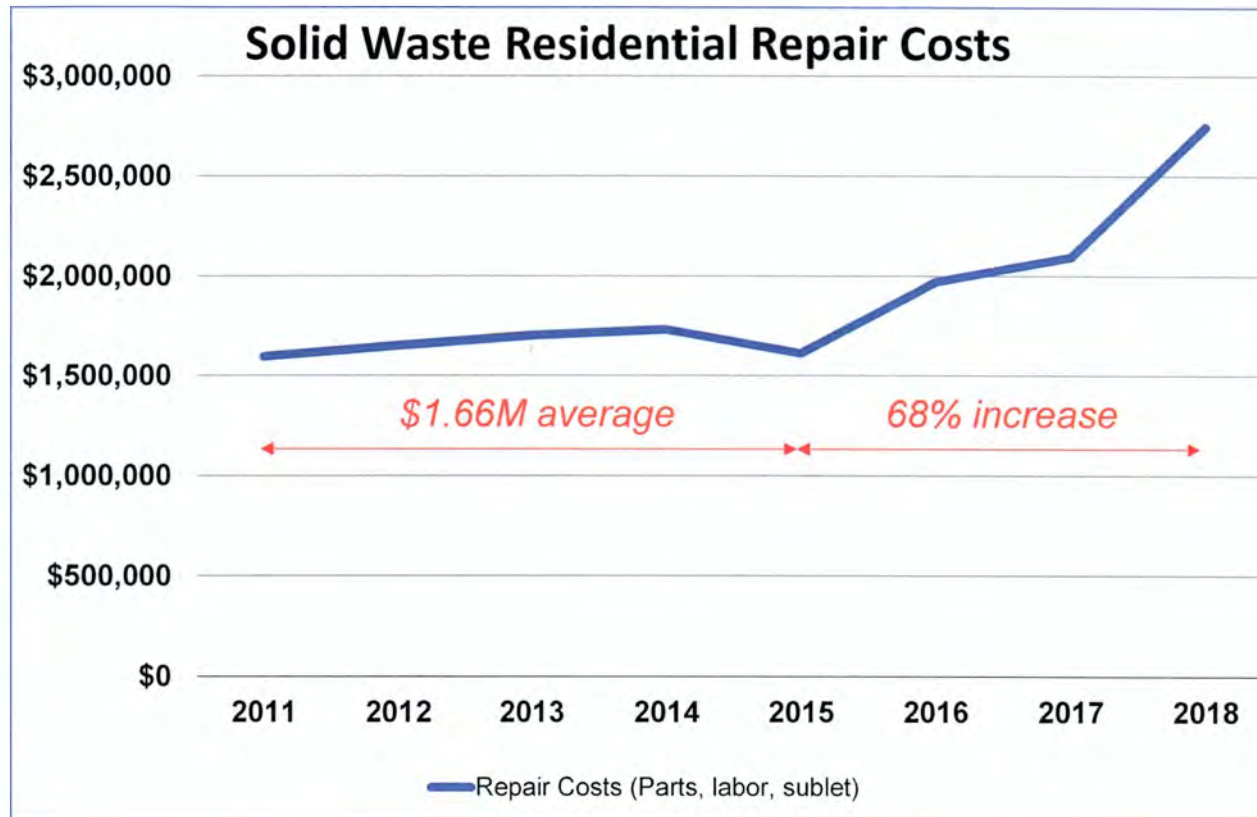


- Policy 2 (City facilities and events): Recycling in City offices and buildings



- Zero Waste goal:
  - Feb 2018: 55% diversion
  - Nov 2018: 88% diversion
- Recycling-inspired art

## Solid Waste: Cost Drivers



## Solid Waste: Cost Drivers

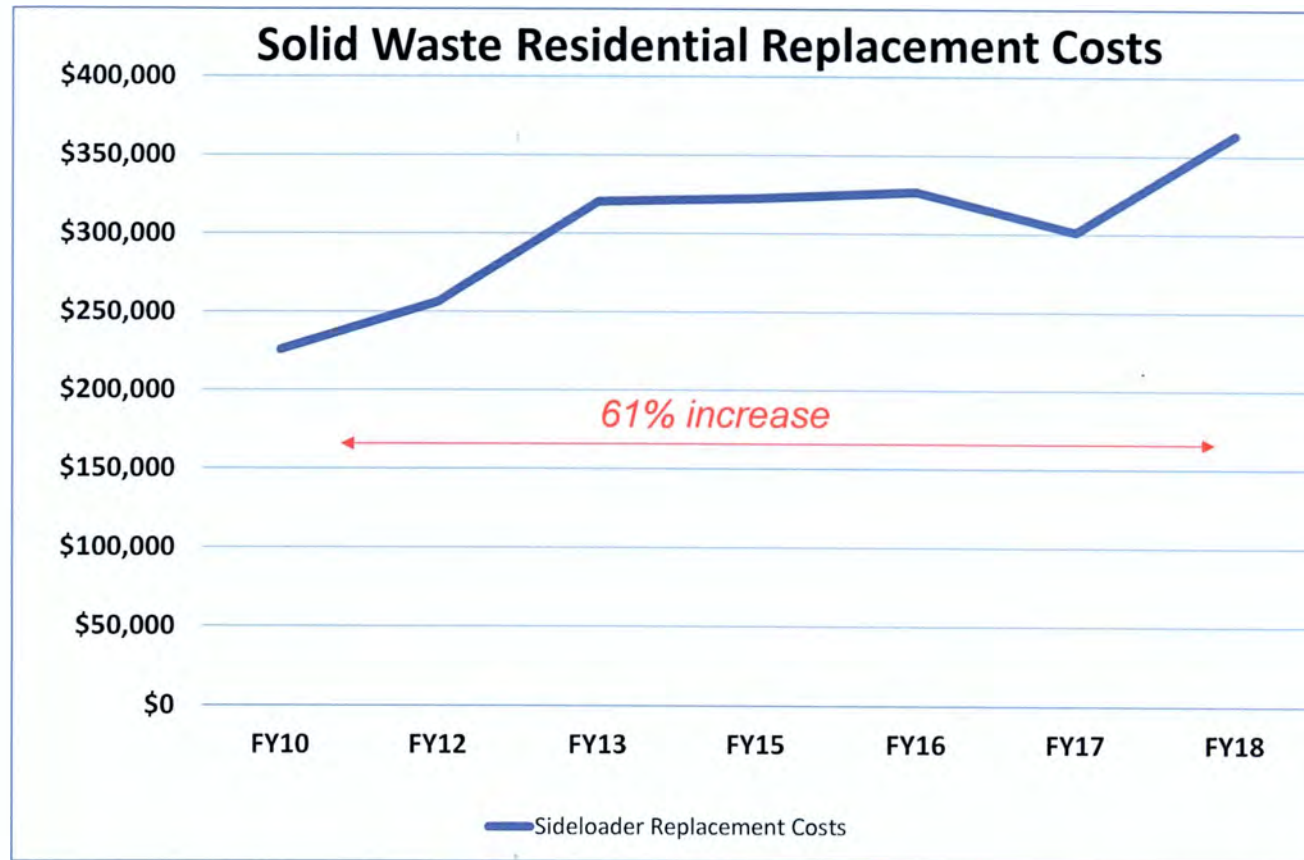




## Solid Waste: Cost Drivers



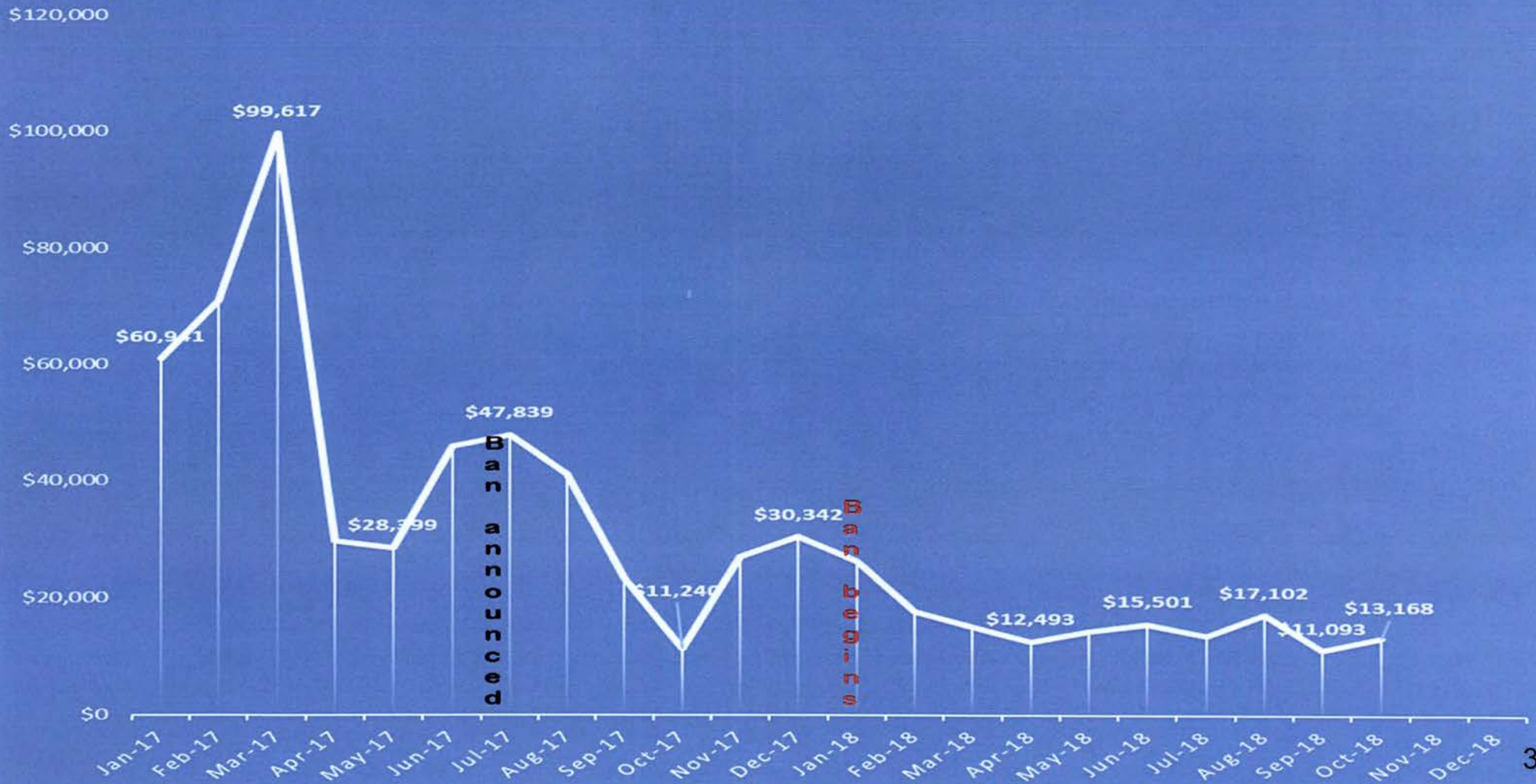
# Solid Waste: Cost Drivers



## **Solid Waste: Other Costs**

- Direct and Indirect Internal Services: Increase in residential program of \$418K
- Landfill costs
  - Annual CPI escalator for refuse disposal
  - Market-driven reduction in revenue for recycling

## RECYCLING REVENUE DATA 2-YEAR HISTORY





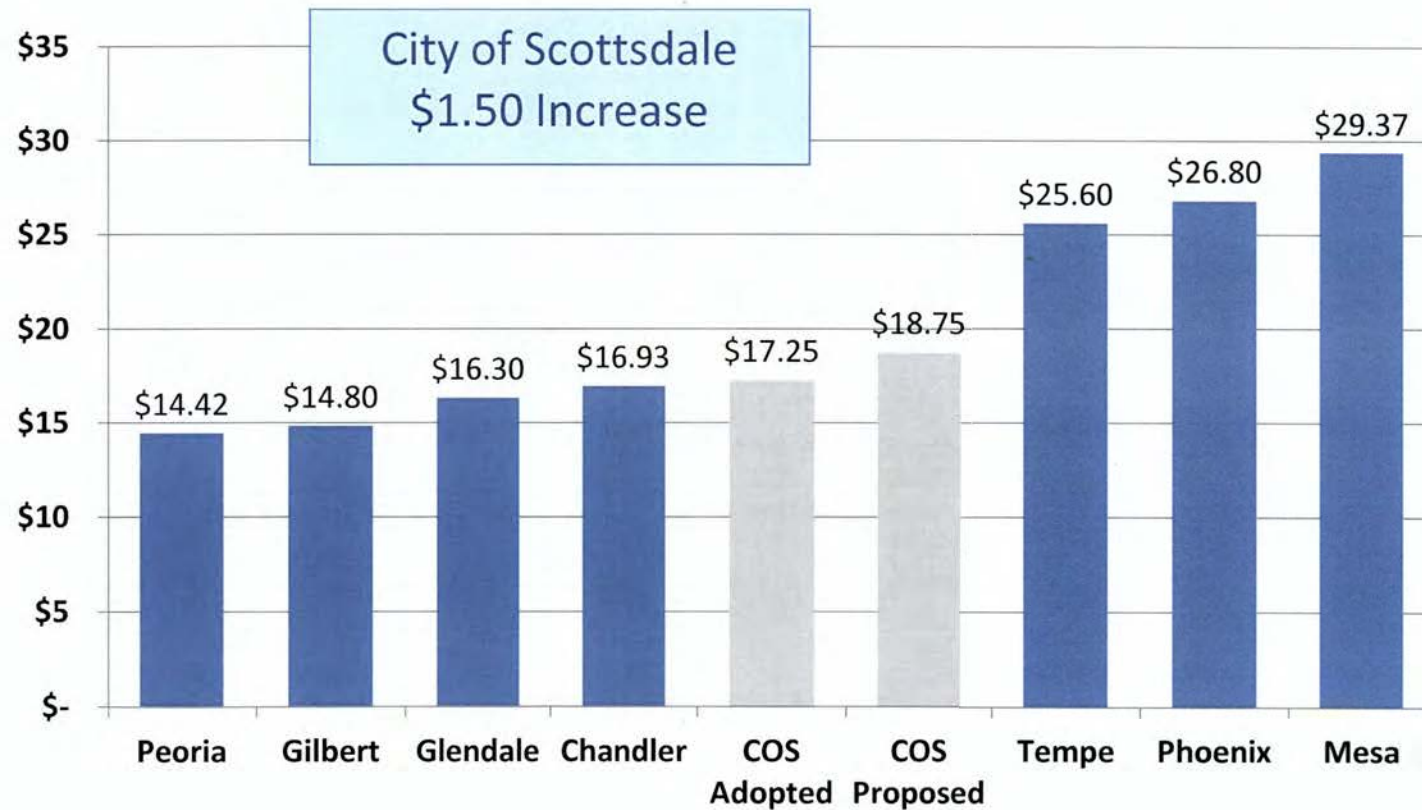
## Solid Waste: Revenue Estimates

Revenue:	Estimated Revenue (Current)	% Change	Estimated Revenue (Increase)
Residential Rates	\$17,383,515	8.7%	\$1,512,366
Commercial Front Load Rates	\$2,653,816	2.5%	\$66,345
<b>Total Rates</b>	<b>\$20,037,331</b>	<b>8%</b>	<b>\$1,578,711</b>

## Solid Waste: Proposed FY 2019/20 Rates

	Type	FY 2018/19 Rate	FY 2019/20 Rate	% Incr.
<b>RESIDENTIAL</b>	First Can	\$17.25	\$18.75	8.7%
	Additional Can	\$8.76	\$9.50	8.7%
<b>COMMERCIAL</b>				
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	4 Cubic Yard	\$95.25	\$97.65	2.5%
	5 Cubic Yard	\$101.25	\$103.80	2.5%
	6 Cubic Yard	\$107.50	\$110.20	2.5%
	8 Cubic Yard	\$116.75	\$119.65	2.5%
<b>Roll-Off (incl. 3 tons)</b>		\$468.38	\$468.38	0.0%
<b>Recycling Carts</b>	90 Gallon	\$9.15	\$9.15	0.0%
	300 Gallon	\$29.90	\$29.90	0.0%
<b>Container Recycling</b>	2 Cubic Yard	\$65.02	\$65.02	0.0%
	3 Cubic Yard	\$68.34	\$68.34	0.0%
	4 Cubic Yard	\$71.66	\$71.66	0.0%
	6 Cubic Yard	\$78.30	\$78.30	0.0%
	8 Cubic Yard	\$84.95	\$84.95	0.0%

## Solid Waste: Valley Rate Comparison



## Solid Waste

Questions and  
Comments?



# **Non-Enterprise Rate/Fee Change Proposals**

- **Annual Review to Determine Direct/Indirect Cost of Service Recovery Rate**
- **Acceptable Recovery Rate and Associated Rate & Fee Changes Approved by City Council**
- **Proposals for Rate & Fee Changes Submitted by:**
  - **Community & Economic Development**
    - Planning & Development
    - Tourism & Events
    - WestWorld
  - **Community Services**
  - **Public Safety – Fire**



## FY 2019/20 New/Adjusted Fees Estimated to Increase Revenues:

General Fund		Special Programs Fund	
\$2.2 Million		\$0.6 Million	
C&ED – Planning & Development	\$2,015,700	Community Services	\$550,800
C&ED – Tourism & Events	\$23,100		
C&ED – WestWorld	\$80,500		
Community Services	\$54,600		
Public Safety - Fire	\$3,400		

# **C&ED - Planning & Development**

**Annual review of Fee Schedule resulted in the following proposals:**

- **Base Rate & Fee - Various increases of about 6% or less in aggregate**
  - **Help cover inflationary costs and department operating costs**
  - **Provide for a better customer experience**
  - **Properly and timely address customer needs**
- **Update schedule to include fees that have been in the adopted Building Code for more than 20 years but have never appeared on the schedule or were unclear**
- **Eliminate some old/unused rates & fees**

# C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed FY 2019/20	Change in Fee per User	Revenue Change
Base Rate & Fee Increase	Planning & Development	varies	varies	varies	\$900,000
<i>Modify: Off-Hours Inspection</i>	<i>per inspection</i>	<i>\$238/hr</i>	<i>\$250/hr</i>	<i>5.0% increase</i>	<i>Included</i>
<i>Update: Re-inspection Fee</i>	<i>per inspection</i>	<i>varies</i>	<i>varies</i>	<i>varies</i>	<i>above</i>
<i>Update: In Lieu Parking Fee</i>	<i>per user, permanent credit lump sum pymt</i>	<i>\$13,613</i>	<i>\$13,800</i>	<i>1.4% increase</i>	<i>Included above</i>
<i>Update: Engineering Site Review- Revision to Civil; Improvement Plans; Easements; Releases</i>	<i>per sheet</i>	<i>\$250</i>	<i>\$260</i>	<i>6.0% increase</i>	<i>Included above</i>
<i>Update: Engineering Review Civil and Improvement Plans</i>	<i>per sheet</i>	<i>\$730</i>	<i>\$770</i>	<i>5.5% increase</i>	<i>Included above</i>
<i>Update: ROW; Driveway; Box Culvert; Sewer Main; Pipe Encasement; Underground Conduit; Streetlight; Traffic signal</i>	<i>per permit</i>	<i>varies: per sq yard; linear ft; per unit</i>	<i>varies: per sq yard; linear ft; per unit</i>	<i>varies: averages 5.0% increase</i>	<i>Included above</i>



## **C&ED - Planning & Development**

- **Annual Facilities Permit –**  
No Change, administrative ease for customer & staff
- **Solar Permits & Reviews –**  
No Change, comply with AZ State Solar fee requirements
- **Records Department Fees –**  
No Change, maintain standardization of fees
- **Stormwater Reviews –**  
No Change, maintain standardization with County

Additional General Fund revenue of **\$900,000** for FY 2019/20

# **C&ED - Planning & Development**

- **Establish Marshalling Yard/Storage Fee**
  - **Application Fee**
  - **Fee for staging and storing equipment/materials for private development construction on city property**
- **Establish Development Agreement Application Fee**
  - **To cover additional staff time to develop and coordinate development agreements between the city and applicants**

## **C&ED - Planning & Development**

- **Establish a fee to charge electric vehicles at the new public electric vehicle charging stations being installed by the city**
- **Modify the wording on the “After-Hours Inspection Fee” to say “Off-Hours Inspection Fee” for customer clarity**

Additional General Fund revenue of **\$10,700** for FY 2019/20

## C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
<b>NEW</b> Marshalling Yard/Storage	application fee (\$1,000) + \$0.10 per sq. ft/per week	n/a	varies	varies	\$5,000
<b>NEW</b> Development Agreement Application	per application	n/a	\$2,000	\$2,000	\$4,000
<b>NEW</b> Public Electric Vehicle Charging	per hour	n/a	\$2	\$2	\$1,700
Off-Hours Inspection	per inspection	varies	varies	varies	\$0

# **C&ED - Planning & Development**

## **Wireless Communications Facilities (WCF) in Right-of-Way:**

- **Resolution No. 7983 states Council is authorized to establish fees and may adjust these fees on an annual basis**
- **Proposed increase of 3% for installations**
- **Proposed increase is consistent with lease payments in the wireless industry**
- **Since adoption in FY 2008/09, WCF fees have increased each year by approximately 3%**

# **C&ED - Planning & Development**

## **Small Wireless Facilities (SWF) in Right-of-Way:**

- **Arizona HB2365 allows for batching of similar applications at a reduced application fee.**
  - **Submitting 2-5 similar applications, the fee is \$100/ea.**
  - **Submitting 6-25 similar applications, the fee is \$50/ea.**

Additional General Fund revenue of **\$20,000** for FY 2019/20

## C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
WCF in Right-of-Way Fees (excluding pre-July 2009 sites)	per charge	varies	varies	varies	\$10,000
<b>NEW</b> SWF in Right-of-Way Fees (application batching)	per batch/site	varies	\$750 for 1 <sup>st</sup> site \$100/ea. for sites 2-5 \$50/ea. for sites 6-25	varies	\$10,000

# **C&ED - Planning & Development**

## **Stormwater Fee:**

- **The CIP Subcommittee and city staff recommend increasing the stormwater fee on city utility bills by \$1.00 per month**
- **Dedicated entirely to city Drainage and Flood Control CIP projects**
- **Most projects will qualify for 50% matching funds from the Flood Control District of Maricopa County**

**Additional General Fund revenue of \$1,085,000 for FY 2019/20**



## C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Stormwater Fee	per utility customer/per month	\$3.10	\$4.10	\$1.00	\$1,085,000

# **Public Safety - Fire**

## **Across the Board Permit Cost Increase:**

**In conjunction with the Planning & Development Department, a proposed marginal increase to all fire permit rates is recommended due to the growing economy and greater number of events needing permitting in Scottsdale thus increasing the overall employee cost of issuing permits.**

**Additional General Fund revenue of \$3,400 for FY 2019/20**

## Public Safety - Fire

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Fire Service Safety Permits Basic Rate	per permit	\$165	\$175	\$10	\$2,000
Tent Fire Safety Permit (1-9 vehicles)	per permit	\$165	\$175	\$10	\$200
Tent Fire Safety Permit (10+ vehicles)	per permit	\$495	\$525	\$30	\$600
Vehicle Display Safety Permit (1-9 vehicles)	per permit	\$165	\$175	\$10	\$100
Vehicle Display Safety Permit (10+ vehicles)	per permit	\$495	\$525	\$30	\$200
Fire Service Safety Permits Rush Rate (< 10 days)	per permit	\$330	\$350	\$20	\$100
Fire Review not Associated with Building Permit	per review	\$105	\$110	\$5	\$200

# **C&ED – Tourism & Events**

## **Special Event Fees & Permits:**

- **Increase Application Review Event Fee**  
To bring costs for special event applications in line with other pre-application submittals for planning requests
- **Increase Simple and Standard Special Event Permit Fees**  
To be more in line with the market rate

# **C&ED – Tourism & Events**

## **Directional Street Event Banner Fees & Permits:**

- **Establish Application Review Fee for organizations to hang banners at city established locations. The fee would be in line with other pre-application submittals for planning requests**
- **Establish fees to recover the cost of city employees hanging horizontal and street light banners for special events**

Additional General Fund revenue of **\$23,100** for FY 2019/20

## C&ED – Tourism & Events

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Application Review – Special Event	per event	\$75	\$90	\$15	\$2,500
Simple Event Permit – Private Property	per permit	\$25	\$50	\$25	\$2,300
Standard Event Permit – Public Property	per permit	\$175	\$200	\$25	\$1,900
<b>NEW</b> Application Review - Banner	per application	\$0	\$90	\$90	\$900
<b>NEW</b> Horizontal Banner	per banner	\$0	\$150	\$150	\$3,000
<b>NEW</b> Street Light Banner	per pole	\$0	\$25	\$25	\$12,500

## **C&ED – WestWorld**

**Annual review of Fee Schedule resulted in the following proposals:**

- **Increase Horse Stall Rental Fee - based on market demand and to bring it closer in line with the quality of offering**
- **Increase RV Parking Fee - based on market demand and to bring it closer in line with the quality of offering**
- **Increase Labor / Clean Up Rate - to fully recover cost of employees performing billable labor support services**

**Additional General Fund revenue of \$80,500 for FY 2019/20**



## C&ED – WestWorld

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Horse Stall Rental	per day	\$17	\$18	\$1	\$38,300
RV Parking	per night	\$27	\$29	\$2	\$22,800
Labor / Clean Up Rate	per hour	\$25	\$28	\$3	\$19,400



# **Community Services**

**Annual review of Fees Schedule resulted in the following proposals:**

## **Parks and Recreation:**

- **Increase in rental costs for the baseball fields at Indian School Park to cover the maintenance of the fields at a professional level and to allow for full recovery of staffing costs**
- **Increase in prep costs for the baseball fields at Indian School Park to cover the cost of preparing the fields for play at a professional level and to allow for full recover of staffing costs**

# **Community Services**

## **Parks and Recreation (cont'd):**

- **Increase daily fee to rent entire Scottsdale Sports Complex as well as hourly fee to rent individual fields in order to standardize reservation rates and recover more of the operational and maintenance costs**
- **Increase daily Commercial Film Permit fee for non-reservable public space to bring the commercial cost to film or photograph in line with the fee to film/photograph for commercial purposes in the McDowell Sonoran Preserve**

**Additional General Fund revenue of \$49,400 for FY 2019/20**

# Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Indian School Field Rental	per field/per hour	\$45	\$60	\$15	\$2,700
Indian School Park Field Prep	per field prepped	\$50	\$75	\$25	\$2,500
Scottsdale Sports Complex Full Facility Reservation	per day (minimum 2 days)	\$1,500	\$1,700	\$200	\$13,000
Scottsdale Sports Complex Hourly Reservation	per field/per hour	\$24	\$30	\$6	\$30,100
Daily Commercial Film Permit Non-Reservable Rental	per permit/per day	\$120	\$300	\$180	\$1,100

# **Community Services**

## **Parks and Recreation (cont'd):**

- **Changing method of charging sponsor/partner teams for use of dive well from per lane to entire well at city pools to minimize unused space and to help recover operational and maintenance costs**
- **Increasing hourly fee for sponsor/partner teams to use lanes at city pools to allow for additional cost recovery and revenues to fund aquatics maintenance**

**Additional Special Programs Fund revenue of \$35,800 for FY 2019/20**

# Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Sponsor Team/Partner - Dive Well Usage	per sponsor/partner team, per hour	\$3	\$12	\$9	\$1,100
Sponsor Team/Partner Lane Usage	per sponsor/partner team, per lane, per hour	\$3	\$4	\$1	\$34,700

# **Community Services**

## **Library:**

- **Establish a cost recovery formula to recover the cost of lost or damaged materials, kits and kit contents available for check-out at city libraries**

## **Human Services:**

- **Establish daily fee to charge users to use the table tennis facilities at the Scottsdale senior centers to help recover staff time and the operational and maintenance costs of the equipment**

**Additional General Fund revenue of \$5,200 for FY 2019/20**

# Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
<b>NEW</b> Lost or Damaged Library Materials, Kit/Kit Contents Replacement	per piece of damaged/lost materials, kit contents or full kit	n/a	varies	varies	\$0
<b>NEW</b> Daily Drop in Table Tennis	per day/per participant	n/a	\$2	\$2	\$5,200

# **Community Services**

## **McCormick-Stillman Railroad Park:**

- **Increase park's carousel ride fee to help recover staffing, operational and maintenance costs while keeping the fee under market value compared with other facilities in the valley**
- **Increase park's train ride fee to help recover staffing, operational and maintenance costs while keeping the fee under market value compared with other facilities in the valley**

Additional Special Programs Fund revenue of **\$515,000** for FY 2019/20



# Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Railroad Park Carousel Ride	per ride	\$2	\$3	\$1	\$215,000
Railroad Park Train Ride	per ride	\$2	\$3	\$1	\$300,000

# **Public Hearing & Adoption of FY 2019/20 Rates & Fees**

City Council  
May 14, 2019

1

## **FY 2019/20 Rates & Fees**

- **Proposed Rate & Fee Changes Presented in Detail on March 5, 2019**
- **60 Day Posting Compliance**
- **Public Hearing**

2

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## FY 2019/20 Rates & Fees

Enterprise Funds	\$5.4 Million
Water Resources	\$3,855,219
Public Works	\$1,578,711

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## Dan Worth's 'Favorite Car'



4

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## FY 2019/20 New/Adjusted Fees Estimated Revenue Increases:

General Fund	\$2.2 Million	Special Programs Fund	\$0.6 Million
C&ED – Planning & Development	\$2,015,700	Community Services	\$550,800
C&ED – Tourism & Events	\$23,100		
C&ED – WestWorld	\$80,500		
Community Services	\$54,600		
Public Safety - Fire	\$3,400		

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## FY 2019/20 Rates & Fees Recommendation

**Adopt Resolution No. 11436 and Ordinance No. 4391**, amending Scottsdale Revised Code, Chapter 49, Water, Sewer and Sewage Disposal sewer/water reclamation rates and miscellaneous charges, effective July 1, 2019 and adjusting water rate (volumetric and base) charges effective November 1, 2019.

**Adopt Ordinance No. 4392**, amending Scottsdale Revised Code, Chapter 24, Solid Waste Management by adjusting solid waste rates and charges, effective July 1, 2019.

**Adopt Resolution No. 11418**, authorizing and approving adjustments to the Planning and Development Services Department's rates and fees, effective July 1, 2019.

**Adopt Resolution No. 11465**, authorizing the Tourism and Events Department to establish event directional banner fees.

**Adopt Resolution No. 11466**, authorizing the Tourism and Events Department to adjust their fees for special events and permits

**Adopt Resolution No. 11429**, authorizing and approving WestWorld's fees for FY 2019/20 and authorizing the City Manager to execute WestWorld's agreements that contain negotiated fees, effective July 1, 2019.

**Adopt Resolution No. 11440**, authorizing and approving adjustments to the Community Services Division schedule of program charges, rental fees and fines, effective July 1, 2019.

**Adopt Resolution No. 11424**, authorizing an adjustment of fees and charges by the Fire Department, effective July 1, 2019.

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*The following slides are from the March 5, 2019 proposed rates and fees discussion. They are included as a resource only.*

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# **FY 2019/20**

# **Proposed Rates & Fees Changes**

City Council  
March 5, 2019

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## **Enterprise Rates & Fees Policy**

### **◆Enterprise Funds**

- Water, Sewer and Contractual Funds
  - Recovery of all direct and indirect costs of service
  - Rates based on multi-year financial plans

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## **Enterprise - Water Resources Significant Cost Drivers**

### **◆Operational**

- Increasing actions required for drought preparedness including conservation initiatives and the rising costs of raw water
- Increasing groundwater treatment operating costs to improve the reliability, safety and water quality of Scottsdale wells
- Increasing costs of distribution and collection system maintenance
- Increasing costs for odor control maintenance and repair

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## Enterprise - Water Resources Significant Cost Drivers

### 💧 CIP

- Drought Driven System Expansion
- Rehabilitation and Replacement
- Technology and Security

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## Enterprise - Water Resources Significant CIP – Drought Driven System Expansion

Water Resources (In \$ Millions)	FY 2019/20 Request	5 Year
Cluster 3 Arsenic Treatment	\$7.5	\$7.5
Well Sites	\$0.0	\$1.8
Deep Well Recharge/Recovery Projects	\$5.0	\$6.7
Other	\$0.1	\$0.2
Total Drought Driven Capital Program	\$12.6	\$16.1

5

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## Enterprise - Water Resources Significant CIP – Rehab and Replacement

Water Resources (In \$ Millions)	FY 2019/20 Request	5 Year
Booster Station Upgrades	\$0.0	\$6.3
Water Distribution Improvements	(\$2.0)	\$2.2
Water Treatment Improvements	\$2.3	\$6.4
Booster Station 57 Replacement	\$1.0	1.0
Wastewater Treatment Facility Improvements	\$1.3	3.4
Wastewater System Improvements	\$1.7	\$6.2
Other	(\$0.3)	\$6.3
Total Rehab and Replacement Driven Capital Program	\$4.0	\$31.7

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## Enterprise - Water Resources Significant CIP – Technology and Security

Water Resources (In \$ Millions)	FY 2019/20 Request	5 Year
Water Meter Replacement Program	\$1.0	\$4.5
Other Technology Improvements	\$3.4	\$1.8
Security Improvements	\$0.0	\$0.7
Total Technology and Security Driven Capital Program	\$4.4	\$7.1

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## Enterprise - Water Resources Long Term Financing

### ◆ Water and Sewer capital financing:

Fiscal Year	Water	Sewer	Combined Issuance
2020/21 Forecasted	\$25.0 million	-	\$25.0 million
2023/24 Forecasted	\$60.0 million	-	\$60.0 million

Long term debt is used for system rehabilitation and replacement and improved system capabilities.

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## Enterprise - Water Resources Rate and Service Charge Proposals

- ◆ Proposed water rate increase (3.0%)
- ◆ Proposed sewer rate increase (2.0%)
- ◆ Proposed miscellaneous service charge increases  
(varied increase by type)

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## Enterprise - Water Resources Water and Sewer Rates

	Estimated Revenue (Current)	% Change	Estimated Revenue (Increase)
Water Rates	\$100,433,620	3.0%	\$3,048,022
Sewer Rates	\$37,986,000	2.0%	\$764,663
Total Rates	\$138,419,620	2.8%	\$3,812,685

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Proposed implementation date – November 1, 2019

## Enterprise - Water Resources Water Rates

Base Fees (All Customers)		
	Current	Proposed
5/8" Meter	\$12.40	<b>\$13.00</b>
3/4" Meter	\$16.00	<b>\$16.80</b>
1" Meter	\$22.60	<b>\$23.80</b>
1.5" Meter	\$37.20	<b>\$39.00</b>
2" Meter	\$49.70	<b>\$52.00</b>
3" Meter	\$98.80	<b>\$104.00</b>
4" Meter	\$154.40	<b>\$162.50</b>
6" Meter	\$308.90	<b>\$325.00</b>
8" Meter	\$430.00	<b>\$455.00</b>

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## Enterprise - Water Resources Water Rates

Current Residential Use Including Landscaping Volume Charges (Rates Per 1K Gallons)				Proposed Residential Use Including Landscaping Volume Charges (Rates Per 1K Gallons)			
Tier	Rate	From	To	Tier	Rate	From	To
1	\$1.65	0	5,000	1	\$1.65	0	5,000
2	\$2.95	5,001	12,000	2	<b>\$3.00</b>	5,001	12,000
3	\$3.75	12,001	30,000	3	<b>\$3.90</b>	12,001	30,000
4	\$4.85	30,001	65,000	4	<b>\$5.20</b>	30,001	65,000
5	\$5.70	Over 65,000		5	<b>\$6.10</b>	Over 65,000	

Proposed implementation date – November 1, 2019

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## Enterprise - Water Resources Water Rates

Current Commercial Use Including Landscaping Volume Charges (Rates Per 1K Gallons)				Proposed Commercial Use Including Landscaping Volume Charges (Rates Per 1K Gallons)			
Tier	Rate	From	To	Tier	Rate	From	To
1	\$1.65	0	5,000	1	\$1.65	0	5,000
2	\$2.95	5,001	12,000	2	<b>\$3.00</b>	5,001	12,000
3	\$3.75	12,001	30,000	3	<b>\$3.90</b>	12,001	30,000
4	\$4.25	Over 30,000		4	<b>\$4.60</b>	Over 30,000	

Proposed implementation date – November 1, 2019

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Proposed implementation date – July 1, 2019

## Enterprise - Water Resources Sewer Rates

Base Fees (All Customers)		
	Current	Proposed
5/8" Meter	\$3.50	<b>\$3.75</b>
3/4" Meter	\$3.50	<b>\$3.75</b>
1" Meter	\$3.50	<b>\$3.75</b>
1.5" Meter	\$21.00	<b>\$22.50</b>
2" Meter	\$49.00	<b>\$52.50</b>
3" Meter	\$63.00	<b>\$67.50</b>
4" Meter	\$92.00	<b>\$99.00</b>
6" Meter	\$175.00	<b>\$187.50</b>
8" Meter	\$245.00	<b>\$262.50</b>

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## Enterprise - Water Resources Sewer Rates

Customer Category	Current Rates	Proposed Rates	Customer Category	Current Rates	Proposed Rates
Single Family Residential	\$2.64	<b>\$2.67</b>	Commercial Laundry	\$3.17	<b>\$3.20</b>
Multi Family Residential	\$2.64	<b>\$2.67</b>	Metal Platers	\$2.91	<b>\$2.94</b>
Commercial Without Dining	\$2.64	<b>\$2.67</b>	Laundromats	\$2.64	<b>\$2.67</b>
Commercial With Dining	\$3.52	<b>\$3.56</b>	Restaurants/Bakeries	\$4.92	<b>\$4.97</b>
Hotels Without Dining	\$2.88	<b>\$2.91</b>	Service Station Auto Repair	\$2.64	<b>\$2.67</b>
Hotels With Dining	\$3.52	<b>\$3.56</b>	Medical Institutions	\$2.64	<b>\$2.67</b>
Car Washes	\$2.61	<b>\$2.64</b>	Schools	\$2.64	<b>\$2.67</b>

Proposed implementation date – July 1, 2019

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## Enterprise - Water Resources Historical Rate Changes

### Water and Sewer Average Rate Adjustments:

Negative Percentages:  
Rate reductions driven  
by rate structural  
changes as  
recommended by cost  
of service study  
results and revenue  
stability goals.

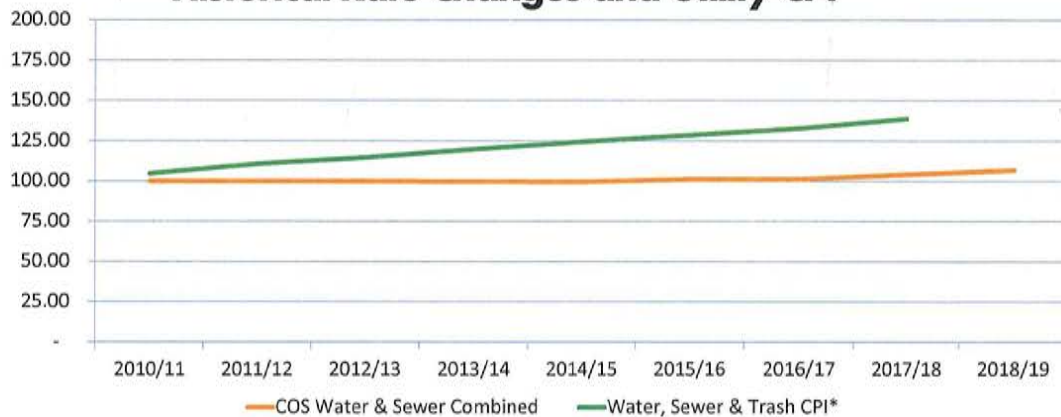
Fiscal Year	Water	Sewer	Weighted Average
2014/15	- 0 -	(1.2%)	(0.3%)
2015/16	1.3%	2.6%	1.7%
2016/17	- 0 -	- 0 -	- 0 -
2017/18	2.9%	2.6%	2.8%
2018/19	2.8%	1.5%	2.5%
2019/20	3.0%	2.0%	2.8%
6 Yr Average	2.0%	1.7%	1.9%

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\*Water, Sewer and Trash Collection Services CPI/All Urban Consumers

## Enterprise - Water Resources Historical Rate Changes and Utility CPI



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Proposed implementation date – July 1, 2019

### Enterprise - Water Resources Miscellaneous Service Charges

Service Charges	Estimated Transactions	FY 2018/19 Fee	Proposed FY 2019/20 Fee	Increase Amt	% Change	Estimated Revenue Change
5/8" Service Line	3	\$1,215	\$1,277	\$62	5%	\$186
5/8" Meter and Service Line	3	\$1,465	\$1,539	\$74	5%	\$222
¾" Service Line	20	\$1,215	\$1,277	\$62	5%	\$1,240
¾" Meter and Service Line	20	\$1,515	\$1,583	\$68	4%	\$1,360
1" Service Line	250	\$1,220	\$1,281	\$61	5%	\$15,250
1" Meter and Service Line	250	\$1,535	\$1,612	\$77	5%	\$19,250
1.5" Service Line	15	\$1,795	\$1,885	\$90	5%	\$1,350
1.5" Meter and Service Line	15	\$2,325	\$2,442	\$117	5%	\$1,755
2" Service Line	5	\$2,065	\$2,169	\$104	5%	\$520
2" Meter and Service Line	5	\$2,725	\$2,862	\$137	5%	\$685
Additional Water Fund Revenue						\$41,818

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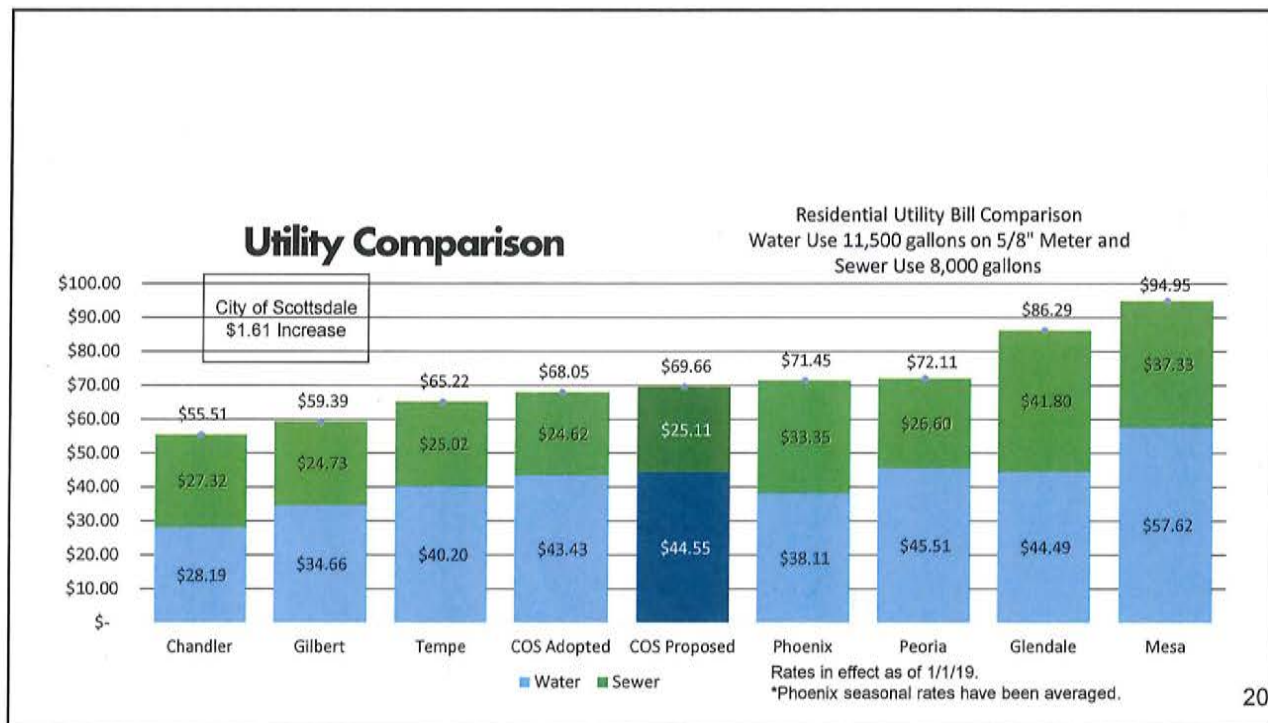
### Enterprise - Water Resources Miscellaneous Service Charges

Service Charges	Estimated Transactions	FY 2018/19 Fee	Proposed FY 2019/20 Fee	Increase Amt	% Change	Estimated Revenue Change
1" Construction Hydrant Meter Deposit	10	\$500	\$750	\$250	50%	NA*
1.5" Fire Service Line	2	\$1,700	\$1,785	\$85	5%	\$170
2" Fire Service Line	2	\$1,813	\$1,904	\$91	5%	\$182
Turn Off/On Service Within 24 Hour Period	2	\$135	\$142	\$7	4%	\$14
Raise/Lower Meter Over 15 Feet	5	\$200	\$210	\$10	5%	\$50
Commercial Water Hauler Capital Recovery	60	\$15	\$20	\$5	33%	\$300
Additional Water Fund Revenue						\$716

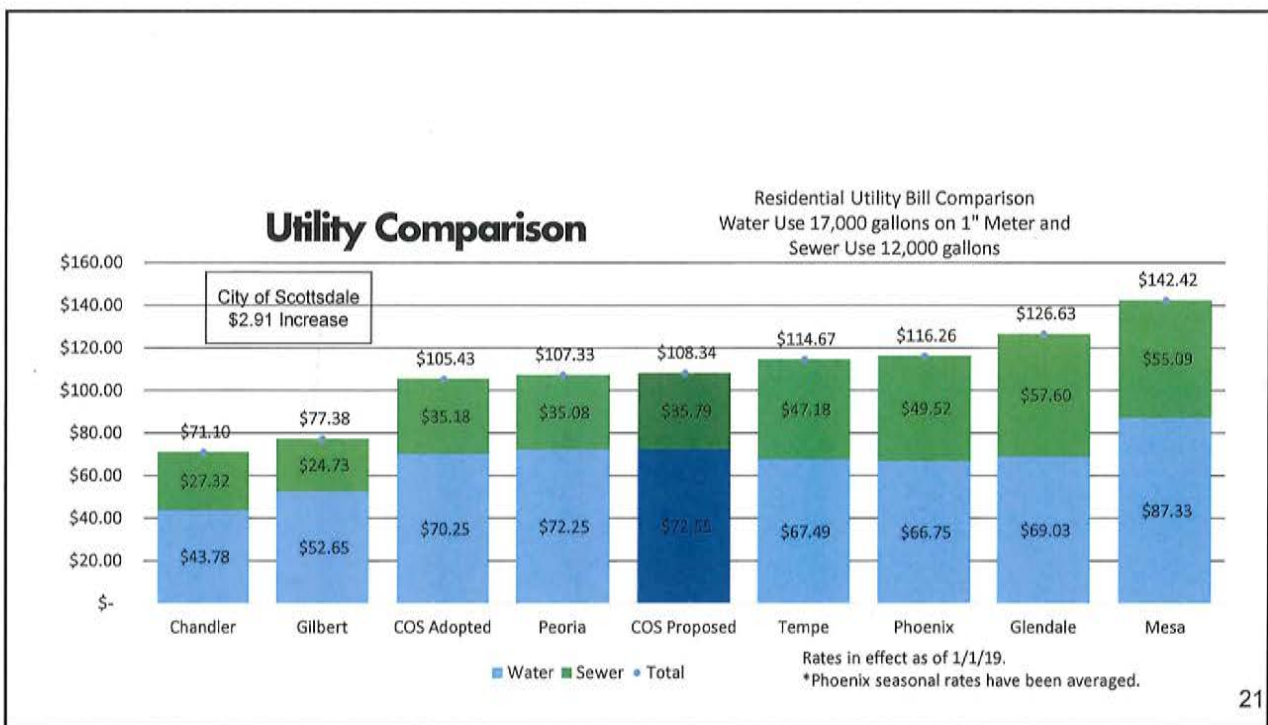
\*Deposit is refunded when meter is returned

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◆Questions?

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## **Enterprise Rates & Fees Policy**

- Enterprise Funds
  - Solid Waste Fund
    - Recovery of all direct and indirect costs of service
    - Rates based on multi-year financial plans

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## Solid Waste: Proposed FY 2019/20 Rates

	Type	FY 2018/19 Rate	FY 2019/20 Rate	% Incr.
RESIDENTIAL	First Can	\$17.25	\$18.75	8.7%
	Additional Can	\$8.76	\$9.50	8.7%
<b>COMMERCIAL</b>				
Front Load	2 Cubic Yard	\$82.50	\$84.55	2.5%
	3 Cubic Yard	\$88.75	\$90.95	2.5%
	4 Cubic Yard	\$95.25	\$97.65	2.5%
	5 Cubic Yard	\$101.25	\$103.80	2.5%
	6 Cubic Yard	\$107.50	\$110.20	2.5%
	8 Cubic Yard	\$116.75	\$119.65	2.5%
Roll-Off (incl. 3 tons)		\$468.38	\$468.38	0.0%
Recycling Carts	90 Gallon	\$9.15	\$9.15	0.0%
	300 Gallon	\$29.90	\$29.90	0.0%
Container Recycling	2 Cubic Yard	\$65.02	\$65.02	0.0%
	3 Cubic Yard	\$68.34	\$68.34	0.0%
	4 Cubic Yard	\$71.66	\$71.66	0.0%
	6 Cubic Yard	\$78.30	\$78.30	0.0%
	8 Cubic Yard	\$84.95	\$84.95	0.0%

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## Solid Waste: Proposed Five-Year Increases

		FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24
RESIDENTIAL	First Can	8.7%	8.6%	3.5%	3.5%	3.5%
	Additional Can	8.7%	8.6%	3.5%	3.5%	3.5%
<b>COMMERCIAL</b>						
Front Load	2 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	3 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	4 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	5 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	6 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
	8 Cubic Yard	2.5%	3.0%	3.0%	3.0%	3.0%
Roll-off (incl. 3 tons)		0.0%	0.0%	0.0%	0.0%	0.0%
Recycling Carts	90 Gallon	0.0%	3.0%	3.0%	3.0%	3.0%
	300 Gallon	0.0%	3.0%	3.0%	3.0%	3.0%
Container Recycling	2 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	3 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	4 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	6 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%
	8 Cubic Yard	0.0%	3.0%	3.0%	3.0%	3.0%

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## Solid Waste: Strategic Plan Implementation

	Policy	Objective
Policy 1	Single family residential diversion	50% by 2030
Policy 2	City facilities and programs diversion	90% by 2030
Policy 3	Multi-family residential diversion	30% by 2030
Policy 4	Commercial diversion	30% by 2030
Policy 5	Minimize waste generation	Expand education programs
Policy 6	Reduction, reuse of building materials	Reduction in landfilled waste for CIP projects
Policy 7	Use solid waste & recyclable materials as marketable commodities	New opportunities, marketing revenue
Policy 8	Promote composting, reduce biodegradable waste to landfill	Divert 75% of brush & bulk to green waste uses

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## Solid Waste: Strategic Plan Implementation

- Policy 1 (residential diversion), 8 (organics): Changes to brush & bulk
- 2018 Scottsdale Citizen Survey
  - "Yard Waste Pickup" had 84% "good" or "excellent"
  - Only service surveyed with statistically significant improvement over previous survey

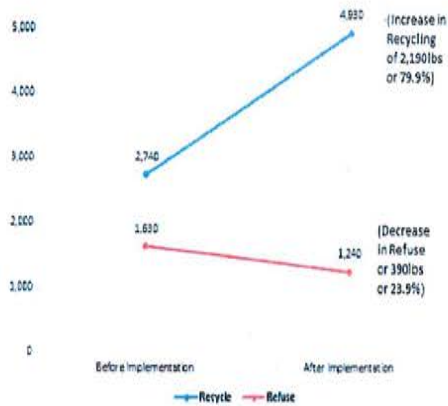


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## Solid Waste: Strategic Plan Implementation

- Policy 2 (City facilities and events): Recycling in City offices and buildings



- North Corporation Yard: 63% before, 80% after
- Similar recycling increases in One Center

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## Solid Waste: Strategic Plan Implementation



- Policy 2 (City facilities and events): Recycling in City offices and buildings



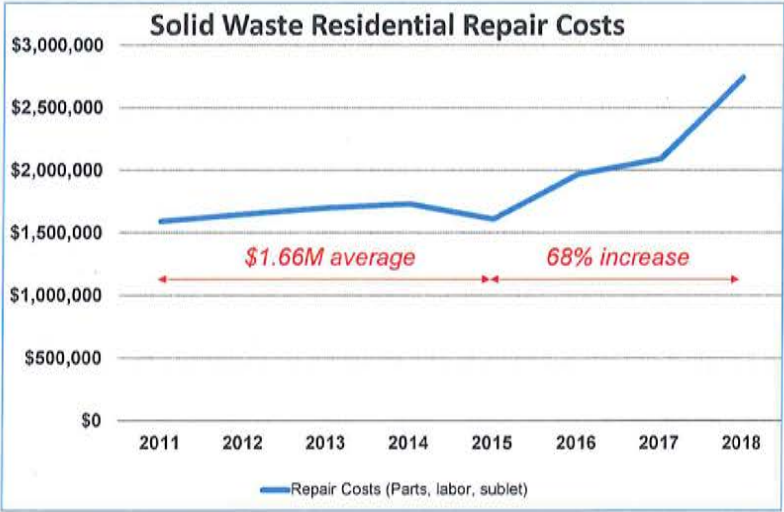
- Zero Waste goal:
  - Feb 2018: 55% diversion
  - Nov 2018: 88% diversion
- Recycling-inspired art

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# Solid Waste: Cost Drivers



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# Solid Waste: Cost Drivers



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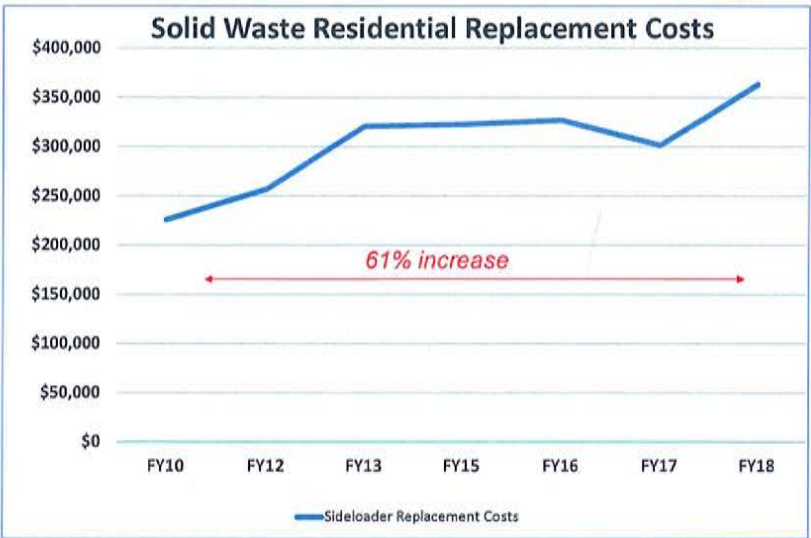
# Solid Waste: Cost Drivers



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# Solid Waste: Cost Drivers



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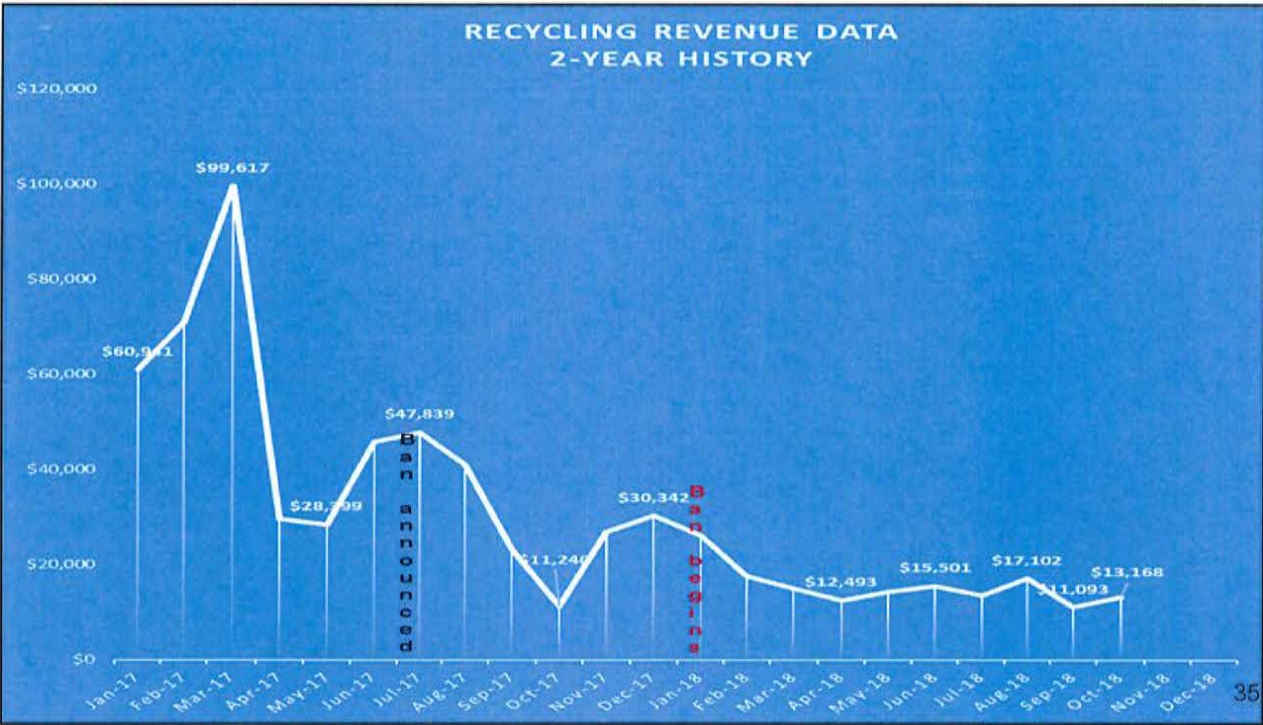
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# Solid Waste: Other Costs

- Direct and Indirect Internal Services: Increase in residential program of \$418K
- Landfill costs
  - Annual CPI escalator for refuse disposal
  - Market-driven reduction in revenue for recycling

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## Solid Waste: Revenue Estimates

Revenue:	Estimated Revenue (Current)	% Change	Estimated Revenue (Increase)
Residential Rates	\$17,383,515	8.7%	\$1,512,366
Commercial Front Load Rates	\$2,653,816	2.5%	\$66,345
<b>Total Rates</b>	<b>\$20,037,331</b>	<b>8%</b>	<b>\$1,578,711</b>

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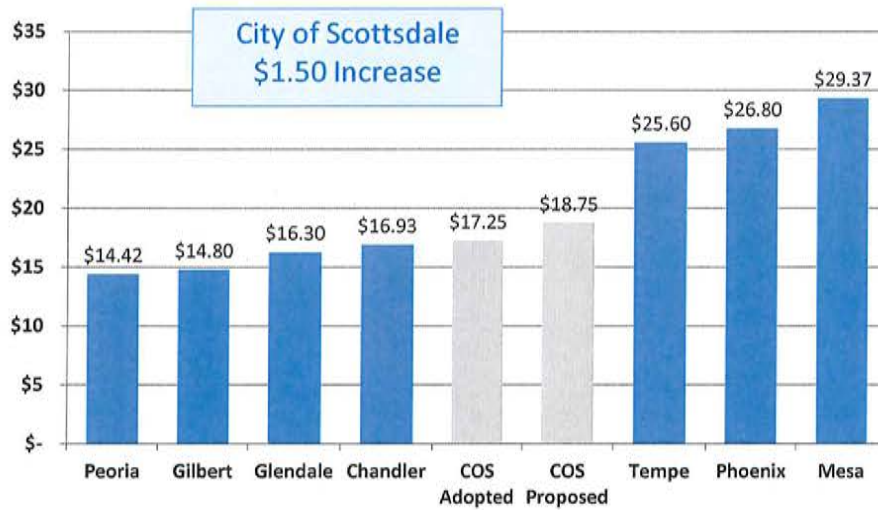
## Solid Waste: Proposed FY 2019/20 Rates

	Type	FY 2018/19 Rate	FY 2019/20 Rate	% Incr.
RESIDENTIAL	First Can	\$17.25	\$18.75	8.7%
	Additional Can	\$8.76	\$9.50	8.7%
COMMERCIAL				
Front Load	2 Cubic Yard	\$82.50	\$84.55	2.5%
	3 Cubic Yard	\$88.75	\$90.95	2.5%
	4 Cubic Yard	\$95.25	\$97.65	2.5%
	5 Cubic Yard	\$101.25	\$103.80	2.5%
	6 Cubic Yard	\$107.50	\$110.20	2.5%
	8 Cubic Yard	\$116.75	\$119.65	2.5%
Roll-Off (incl. 3 tons)		\$468.38	\$468.38	0.0%
Recycling Carts	90 Gallon	\$9.15	\$9.15	0.0%
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	3 Cubic Yard	\$68.34	\$68.34	0.0%
	4 Cubic Yard	\$71.66	\$71.66	0.0%
	6 Cubic Yard	\$78.30	\$78.30	0.0%
	8 Cubic Yard	\$84.95	\$84.95	0.0%

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## Solid Waste: Valley Rate Comparison



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## Solid Waste

Questions and  
Comments?



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## Non-Enterprise Rate/Fee Change Proposals

- Annual Review to Determine Direct/Indirect Cost of Service Recovery Rate
- Acceptable Recovery Rate and Associated Rate & Fee Changes Approved by City Council
- Proposals for Rate & Fee Changes Submitted by:
  - Community & Economic Development
    - Planning & Development
    - Tourism & Events
    - WestWorld
  - Community Services
  - Public Safety – Fire

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## FY 2019/20 New/Adjusted Fees Estimated to Increase Revenues:

General Fund	\$2.2 Million	Special Programs Fund	\$0.6 Million
C&ED – Planning & Development	\$2,015,700	Community Services	\$550,800
C&ED – Tourism & Events	\$23,100		
C&ED – WestWorld	\$80,500		
Community Services	\$54,600		
Public Safety - Fire	\$3,400		

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## C&ED - Planning & Development

Annual review of Fee Schedule resulted in the following proposals:

- Base Rate & Fee - Various increases of about 6% or less in aggregate
  - Help cover inflationary costs and department operating costs
  - Provide for a better customer experience
  - Properly and timely address customer needs
- Update schedule to include fees that have been in the adopted Building Code for more than 20 years but have never appeared on the schedule or were unclear
- Eliminate some old/unused rates & fees

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## C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed FY 2019/20	Change in Fee per User	Revenue Change
Base Rate & Fee Increase	Planning & Development	varies	varies	varies	\$900,000
Modify: Off-Hours Inspection	per inspection	\$238/hr	\$250/hr	5.0% increase	Included above
Update: Re-inspection Fee	per inspection	varies	varies	varies	
Update: In Lieu Parking Fee	per user, permanent credit lump sum pymt	\$13,613	\$13,800	1.4% increase	Included above
Update: Engineering Site Review- Revision to Civil; Improvement Plans; Easements; Releases	per sheet	\$250	\$260	6.0% increase	Included above
Update: Engineering Review Civil and Improvement Plans	per sheet	\$730	\$770	5.5% increase	Included above
Update: ROW; Driveway; Box Culvert; Sewer Main; Pipe Encasement; Underground Conduit; Streetlight; Traffic signal	per permit	varies: per sq yard; linear ft; per unit	varies: per sq yard; linear ft; per unit	varies: averages 5.0% increase	Included above

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## **C&ED - Planning & Development**

- **Annual Facilities Permit –**  
No Change, administrative ease for customer & staff
- **Solar Permits & Reviews –**  
No Change, comply with AZ State Solar fee requirements
- **Records Department Fees –**  
No Change, maintain standardization of fees
- **Stormwater Reviews –**  
No Change, maintain standardization with County

Additional General Fund revenue of **\$900,000** for FY 2019/20

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## **C&ED - Planning & Development**

- **Establish Marshalling Yard/Storage Fee**
  - Application Fee
  - Fee for staging and storing equipment/materials for private development construction on city property
- **Establish Development Agreement Application Fee**
  - To cover additional staff time to develop and coordinate development agreements between the city and applicants

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## C&ED - Planning & Development

- Establish a fee to charge electric vehicles at the new public electric vehicle charging stations being installed by the city
- Modify the wording on the "After-Hours Inspection Fee" to say "Off-Hours Inspection Fee" for customer clarity

Additional General Fund revenue of **\$10,700** for FY 2019/20

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## C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
<b>NEW</b> Marshalling Yard/Storage	application fee (\$1,000) + \$0.10 per sq. ft/per week	n/a	varies	varies	\$5,000
<b>NEW</b> Development Agreement Application	per application	n/a	\$2,000	\$2,000	\$4,000
<b>NEW</b> Public Electric Vehicle Charging	per hour	n/a	\$2	\$2	\$1,700
Off-Hours Inspection	per inspection	varies	varies	varies	\$0

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## **C&ED - Planning & Development**

### **Wireless Communications Facilities (WCF) in Right-of-Way:**

- Resolution No. 7983 states Council is authorized to establish fees and may adjust these fees on an annual basis
- Proposed increase of 3% for installations
- Proposed increase is consistent with lease payments in the wireless industry
- Since adoption in FY 2008/09, WCF fees have increased each year by approximately 3%

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## **C&ED - Planning & Development**

### **Small Wireless Facilities (SWF) in Right-of-Way:**

- Arizona HB2365 allows for batching of similar applications at a reduced application fee.
  - Submitting 2-5 similar applications, the fee is \$100/ea.
  - Submitting 6-25 similar applications, the fee is \$50/ea.

Additional General Fund revenue of **\$20,000** for FY 2019/20

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## C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
WCF in Right-of-Way Fees (excluding pre-July 2009 sites)	per charge	varies	varies	varies	\$10,000
<b>NEW</b> SWF in Right-of-Way Fees (application batching)	per batch/site	varies	\$750 for 1 <sup>st</sup> site \$100/ea. for sites 2-5 \$50/ea. for sites 6-25	varies	\$10,000

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## C&ED - Planning & Development

### Stormwater Fee:

- The CIP Subcommittee and city staff recommend increasing the stormwater fee on city utility bills by \$1.00 per month
- Dedicated entirely to city Drainage and Flood Control CIP projects
- Most projects will qualify for 50% matching funds from the Flood Control District of Maricopa County

Additional General Fund revenue of \$1,085,000 for FY 2019/20

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## C&ED - Planning & Development

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Stormwater Fee	per utility customer/per month	\$3.10	\$4.10	\$1.00	\$1,085,000

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## Public Safety - Fire

### Across the Board Permit Cost Increase:

In conjunction with the Planning & Development Department, a proposed marginal increase to all fire permit rates is recommended due to the growing economy and greater number of events needing permitting in Scottsdale thus increasing the overall employee cost of issuing permits.

Additional General Fund revenue of **\$3,400** for FY 2019/20

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## Public Safety - Fire

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Fire Service Safety Permits Basic Rate	per permit	\$165	\$175	\$10	\$2,000
Tent Fire Safety Permit (1-9 vehicles)	per permit	\$165	\$175	\$10	\$200
Tent Fire Safety Permit (10+ vehicles)	per permit	\$495	\$525	\$30	\$600
Vehicle Display Safety Permit (1-9 vehicles)	per permit	\$165	\$175	\$10	\$100
Vehicle Display Safety Permit (10+ vehicles)	per permit	\$495	\$525	\$30	\$200
Fire Service Safety Permits Rush Rate (< 10 days)	per permit	\$330	\$350	\$20	\$100
Fire Review not Associated with Building Permit	per review	\$105	\$110	\$5	\$200

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## C&ED – Tourism & Events

### Special Event Fees & Permits:

- **Increase Application Review Event Fee**  
To bring costs for special event applications in line with other pre-application submittals for planning requests
- **Increase Simple and Standard Special Event Permit Fees**  
To be more in line with the market rate

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## C&ED – Tourism & Events

### Directional Street Event Banner Fees & Permits:

- Establish Application Review Fee for organizations to hang banners at city established locations. The fee would be in line with other pre-application submittals for planning requests
- Establish fees to recover the cost of city employees hanging horizontal and street light banners for special events

Additional General Fund revenue of **\$23,100** for FY 2019/20

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## C&ED – Tourism & Events

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Application Review – Special Event	per event	\$75	\$90	\$15	\$2,500
Simple Event Permit – Private Property	per permit	\$25	\$50	\$25	\$2,300
Standard Event Permit – Public Property	per permit	\$175	\$200	\$25	\$1,900
<b>NEW</b> Application Review - Banner	per application	\$0	\$90	\$90	\$900
<b>NEW</b> Horizontal Banner	per banner	\$0	\$150	\$150	\$3,000
<b>NEW</b> Street Light Banner	per pole	\$0	\$25	\$25	\$12,500

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## C&ED – WestWorld

Annual review of Fee Schedule resulted in the following proposals:

- Increase Horse Stall Rental Fee - based on market demand and to bring it closer in line with the quality of offering
- Increase RV Parking Fee - based on market demand and to bring it closer in line with the quality of offering
- Increase Labor / Clean Up Rate - to fully recover cost of employees performing billable labor support services

Additional General Fund revenue of **\$80,500** for FY 2019/20

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## C&ED – WestWorld

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Horse Stall Rental	per day	\$17	\$18	\$1	\$38,300
RV Parking	per night	\$27	\$29	\$2	\$22,800
Labor / Clean Up Rate	per hour	\$25	\$28	\$3	\$19,400

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## **Community Services**

Annual review of Fees Schedule resulted in the following proposals:

### **Parks and Recreation:**

- Increase in rental costs for the baseball fields at Indian School Park to cover the maintenance of the fields at a professional level and to allow for full recovery of staffing costs
- Increase in prep costs for the baseball fields at Indian School Park to cover the cost of preparing the fields for play at a professional level and to allow for full recover of staffing costs

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## **Community Services**

### **Parks and Recreation (cont'd):**

- Increase daily fee to rent entire Scottsdale Sports Complex as well as hourly fee to rent individual fields in order to standardize reservation rates and recover more of the operational and maintenance costs
- Increase daily Commercial Film Permit fee for non-reservable public space to bring the commercial cost to film or photograph in line with the fee to film/photograph for commercial purposes in the McDowell Sonoran Preserve

Additional General Fund revenue of **\$49,400** for FY 2019/20

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## Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Indian School Field Rental	per field/per hour	\$45	\$60	\$15	\$2,700
Indian School Park Field Prep	per field prepped	\$50	\$75	\$25	\$2,500
Scottsdale Sports Complex Full Facility Reservation	per day (minimum 2 days)	\$1,500	\$1,700	\$200	\$13,000
Scottsdale Sports Complex Hourly Reservation	per field/per hour	\$24	\$30	\$6	\$30,100
Daily Commercial Film Permit Non-Reservable Rental	per permit/per day	\$120	\$300	\$180	\$1,100

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## Community Services

### Parks and Recreation (cont'd):

- Changing method of charging sponsor/partner teams for use of dive well from per lane to entire well at city pools to minimize unused space and to help recover operational and maintenance costs
- Increasing hourly fee for sponsor/partner teams to use lanes at city pools to allow for additional cost recovery and revenues to fund aquatics maintenance

Additional Special Programs Fund revenue of **\$35,800** for FY 2019/20

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## Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Sponsor Team/Partner - Dive Well Usage	per sponsor/partner team, per hour	\$3	\$12	\$9	\$1,100
Sponsor Team/Partner Lane Usage	per sponsor/partner team, per lane, per hour	\$3	\$4	\$1	\$34,700

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## Community Services

### Library:

- Establish a cost recovery formula to recover the cost of lost or damaged materials, kits and kit contents available for check-out at city libraries

### Human Services:

- Establish daily fee to charge users to use the table tennis facilities at the Scottsdale senior centers to help recover staff time and the operational and maintenance costs of the equipment

Additional General Fund revenue of **\$5,200** for FY 2019/20

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## Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
<b>NEW</b> Lost or Damaged Library Materials, Kit/Kit Contents Replacement	per piece of damaged/lost materials, kit contents or full kit	n/a	varies	varies	\$0
<b>NEW</b> Daily Drop in Table Tennis	per day/per participant	n/a	\$2	\$2	\$5,200

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## Community Services

### McCormick-Stillman Railroad Park:

- Increase park's carousel ride fee to help recover staffing, operational and maintenance costs while keeping the fee under market value compared with other facilities in the valley
- Increase park's train ride fee to help recover staffing, operational and maintenance costs while keeping the fee under market value compared with other facilities in the valley

Additional Special Programs Fund revenue of \$515,000 for FY 2019/20

67

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## Community Services

Program/Fee	Fee Assessed	Current Fee FY 2018/19	Proposed Fee FY 2019/20	Change in Fee per User	Revenue Change
Railroad Park Carousel Ride	per ride	\$2	\$3	\$1	\$215,000
Railroad Park Train Ride	per ride	\$2	\$3	\$1	\$300,000

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