

TITLE 13

PUBLIC SERVICES

CHAPTERS:

13.04

SEWER SYSTEM USE REGULATIONS

13.05

SEPTAGE RECEIVING STATION

CHAPTER 13.04

SEWER SYSTEM USE REGULATIONS

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13.04.010 **DEFINITIONS**

For the purpose of this chapter the following words shall be defined as follows:

“Applicant” shall mean any individual, firm limited liability company, limited liability partnership, association, partnership, government agency, industry, public or private corporation, or any other person or entity whatsoever who applies to the city for permits for building improvements. An applicant shall be the property owner or an authorized agent of the property owner.

“BOD” (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees C, expressed in milligrams per liter by weight.

“Building sewer” means the extension from the building drain to the Town sewer or other place of disposal.

“Color” means the true color due to the substances in solution expressed in milligrams per liter.

“Director” shall mean the Director of Public Works of the Town or designees.

“Domestic sewage” means that liquid waste from bathrooms, toilet rooms, kitchens and home laundries.

“Fats, oil and grease” or “fog” means any fats, oils, waxes or other similar or related constituents. Fog may be of vegetable or animal origin, including butter, lard, margarine, vegetable fats and oils, and fats in meats, cereals, seeds, nuts and certain fruits. Fog may also be of mineral origin including kerosene, lubricating oil or road oil. Fog in the city’s sewer system is generally present as, but need not be, a floatable solid, a liquid, a colloid, an emulsion or in a solution.

“Industrial cost recovery” means payments made at regular intervals by each significant industrial user to pay that such portion of the federal grant amount allocable to the treatment of its wastes.

“Industrial wastes” means the liquid wastes from industrial processes, as distinguished from sanitary sewage.

“Infiltration” shall mean the seepage of groundwater into a sewer system, including sewer laterals. Seepage frequently occurs through defective or cracked pipes, pipe joints, connections, or manhole walls.

“Inflow” shall mean water discharged into a sewer system, including sewer laterals, from such sources as, but not limited to, roof leaders, cellars, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, around manhole covers or through holes in the covers, cross connections from storm systems, catch basins, surface runoff, street wash waters or drainage.

Milligrams per liter (m/l)” is the standard unit of measurement commonly used in the sewerage or wastewater industry and is equivalent to parts per million (PPM).

“Notice to repair” shall mean notice issued by the Director to a property owner that the sewer lateral is in violation of this chapter, which order directs the abatement of the violation.

“OM&R” means operation, maintenance and replacement costs.

“Person” means any individual, firm, company, association or corporation.

“pH” means the logarithm of the reciprocal of the hydrogen ion concentration. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.

“Properly shredded garbage” means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

“Property owner” shall mean the owner of the property as shown in the records of the Gila County Assessor-Recorder.

“Public street” shall mean any public highway, street, alley, public easement of right-of-way.

“Receiving stream” means that body of water, stream or watercourse receiving the discharge waters from the waste treatment plant or formed by the waters discharged from the waste treatment plant.

“Sanitary sewer” means a sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by the ordinance codified in this chapter, without the admixture of surface water and storm water.

“Sanitary sewer overflow” or “SSO” means any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from sanitary sewer system, SSOs often contain high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oil and grease.

“Sewage plants” means an arrangement of devices and structures used for treating sewage.

“Sewage works” means all facilities for collecting, pumping, treating and disposing of sewage.

“Sewer backup” means a blockage of sewer flow in a sewer lateral which results in damage to private property.

“Sewer backwater valve” shall mean a device installed in the horizontal position in the sewer lateral below ground, which includes a one-way flap valve which allows the sewage to flow out to the sewer main in normal use, but prevents sewage from backing up into the property if the sewer main should become blocked.

“Sewer lateral” shall mean the sewer line beginning at the foundation wall of any building and terminating at the sewer main and shall include the upper lateral and lower lateral together.

“Sewer main” shall mean a public sewer designed to accommodate more than one sewer lateral.

“Shall” is mandatory; **“may”** is permissive.

“Storm sewer” means a sewer which carries or disposes of storm or surface waters and drainage, but excludes sewage and polluted industrial wastes.

“Suspended solids” means solids that either float on the surface of, or are in the suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

“Town” means the Town of Miami, State of Arizona.

“User charge” means a charge levied on users of treatment works for the cost of operation and maintenance (including replacement) of such works.

(Ord. No. 208 § 1, 1979; Ord. No. 368)

13.04.020

USAGE OF MUNICIPAL SANITARY SEWERS

Usage of municipal sanitary sewers shall be as follows:

- A. No person shall discharge or deposit any of the following waste materials into any Town sewer:
 - 1. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F;
 - 2. Any water or waste which may contain more than one hundred (100) milligrams per liter, by weight, of fat, oil or grease, exclusive of soap. Provided that up to five hundred (500) milligrams per liter may be discharged by permit authorization;
 - 3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas;
 - 4. Any garbage that has not been properly shredded;

5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastics, wood, paunch manure, or other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the treatment works;
 6. Any waters or wastes having a stabilized pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage treatment plant or systems;
 7. Any water or wastes having a biochemical oxygen demand in excess of five hundred (500) milligrams per liter by weight;
 8. Any waters or wastes containing more than five hundred (500) milligrams per liter by weight of suspended solids;
 9. Any waters or wastes having an objectionable color which is not removable in the existing sewage treatment plant processes;
 10. Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any waste treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant;
 11. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
 12. Any noxious or malodorous gas or substance capable of creating a public nuisance;
 13. Any waters or wastes containing more than two hundred (200) milligrams per liter of chlorides, provided that up to five hundred (500) milligrams per liter may be discharged by permit authorization.
 14. Any industrial waste having a total kjeldahl nitrogen to DOD ratio greater than 6:100 by weight;
 15. No person shall discharge or cause to be discharged any storm water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial water, or any other uncontaminated water, to any sanitary sewer;
 16. Storm water and all other unpolluted drainage shall be discharged in such sewers, or drains as are specifically designated as such, or to a natural outlet approved by the Town.
- B. Waiver of Requirements. Since the intent of this section is to protect the sewerage system of the town while treating as much of the industrial waste of the Town as practicable, the Inspection Officer shall have the authority to waive the foregoing provisions when, in his/her opinion, the quantity of waste discharge by any person is so small in relation to the overall flow into the Town sewerage system as to make the offending characteristics of the waste negligible. The waiving of any of the foregoing provisions at any time shall not prohibit the enforcement of these same provisions at a later date when the cumulative effect of the discharge from several industrial establishments and businesses may become detrimental to the sewerage system.
- C. Notice shall be given to the Inspection Officer whenever a change in the industrial process of waste discharge is contemplated or when the normal operation of the industry discharging industrial waste into the Town sewer system will be interrupted for three days or longer with no industrial discharge.

(Ord. No. 208 § 2, 1979)

13.04.030**USERS DISCHARGING IN EXCESS OF FIFTY THOUSAND GALLONS**

At the time of the enactment of this chapter there is no user having a discharge in excess of fifty thousand (50,000) gallons in any one day. In the event that such user, either on a temporary or permanent connection, commences to utilize the system he shall be required to:

- A. Storage Tanks. In order to equalize flows over a twenty-four (24) hour period, each person discharging waste into the Town's sanitary sewers having a volume in excess of fifty thousand (50,000) gallons in any one day, shall construct and maintain at his own expense a suitable storage tank as determined by the Town Council. Such tank shall have a capacity of at least eighty (80) percent of the normal volume of one twenty-four (24) hour production period of waste and whose outlet to the sewer is controlled by a water works type rate controller, or other approved devices, the setting of which shall be directed by the Inspection Officer.
- B. Control Manhole. Any person discharging industrial wastes into the Town sanitary sewer shall construct and maintain a suitable control manhole, downstream from any treatment, storage, or other approved works to facilitate observation, measurement and sampling of all wastes including domestic sewage, from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the Inspection Officer.
The control manhole shall be equipped with a permanent type volume measuring device such as a nozzle, flume, weir, or other suitable devices as may be approved by the Inspection Officer. The Inspection Officer may require the installation of an automatic sampling device for the collection of sewage samples within the control manhole. The manhole shall be installed by the person discharging the wastes at his expense and shall be maintained by him so as to be safe, accessible, and in proper operating condition at all times.
- C. Plans for the construction of such storage tank, control manhole and controlling devices shall be approved by the Inspection Officer prior to beginning of construction.
- D. Where preliminary treatment or holding facilities and measuring or sampling devices are provided for any purpose in connection with the discharge of industrial wastes into the Town sewer system, such facilities shall be maintained continuously in satisfactory and effective operations by the owner at his own expense.

(Ord. No. 208 § 3, 1979)

13.04.040**PERMITS**

Permits shall be handled as follows:

- A. Any person desiring to deposit or discharge, or who is now depositing or discharging any industrial waste into the sanitary sewers shall make application for the disposal of industrial waste to the Inspection Officer. The Inspection Officer shall approve such applications only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the regulations of this chapter.
- B. No sewer connection connecting the Miami sanitary sewer system to any consumer shall be made or used by any person except upon written application furnished to the Town by the owner, or his authorized agent, of the premises to which sanitary sewer service is to be furnished. An initial sewer connection fee shall be required in addition to a monthly or quarterly rental charge for such sanitary sewer connection according to

the rates fixed by Town until the service is discontinued by order of the sewer department or written order of the owner or his authorized agent. A charge shall be made for reapplication of service to an existing connection. The initial sewer connection fee is nonrefundable.

- C. Should any person fail to secure a permit or fail to have his or its application approved or is subsequently found to be exceeding the limits set forth in his or its permit, the street and sanitation superintendent upon twenty-four (24) hour notice, shall have his connection with the Town sewer system severed; such services will only be restored at such person's expense.
- D. The Public Works Director may require payment for treatment and costs or may refuse permission to discharge certain prohibited wastes.

(Ord. No. 208 § 4, 1979; Ord. No. 357, 2017)

13.04.050 **USERS LOCATED OUT OF TOWN**

Any person owning or controlling premises located beyond the corporate limits of the town and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the town may do so by complying with the requirements of this chapter and by paying an additional permit fee and yearly sewer rental charge to be fixed by the Town Council. (Ord. No. 208 § 5, 1979)

13.04.060 **GREASE TRAPS**

All public premises where food is served, such as restaurants, cafeterias and boarding houses, shall be required to install grease traps. (Ord. No. 208 § 6, 1979)

13.04.070 **INSPECTION OFFICER**

- A. The Public Works Director is designated as the Inspection Officer for the Town. He and his deputies are empowered to perform any and all acts necessary for the effective administration and enforcement of this chapter, including but not restricted to the power of inspecting any dwelling unit to determine the number of fixtures, supervision and control of making building connections and otherwise, inspecting property to determine whether or not violations of this chapter exist.
- B. Any act or omission prohibited in this chapter or enjoined a separate and distinct violation of this chapter constituting a misdemeanor punishable by a fine of not more than three hundred dollars (\$300.00), or confinement in the Town jail for not more than six months or both, and is a new violation for each day that the act prohibited or the omission enjoined continues.
- C. The Inspection Officer as hereinbefore designated shall inspect all connection lines from the user to the point where connection is made, and shall ascertain that the minimum specifications on file with the Clerk of the Town have been met. He will then endorse the connection permit, giving the date of inspection. No permit holder shall make final connection to the sewer system until endorsement has been obtained upon the connection permit.

(Ord. No. 208 § 1, 1979; Ord. No. 368)

13.04.080**MEASUREMENT OF FLOW**

- A. The volume of flow used in computing industrial waste surcharges shall be based upon metered water consumption as shown in the records of meter readings maintained by the Arizona Water Company. In the event that a person discharging wastes into the sanitary sewer system produces evidence to the Inspection Officer that more than ten percent of the total annual volume of water used for all purposes does not reach the town sanitary sewer, an estimated percentage of total water consumption to be used in computing charges may be agreed upon between the Inspection Officer and person discharging industrial wastes into the sewers. In the event that the Inspection Officer determines that the volume of industrial waste being discharged is more than ten percent greater than the metered water consumption, then the industrial waste charges shall be based upon the volume discharged as measured by a Town approved volume measuring device such as a flow meter installed within control manhole as provided in Section 13.04.030 above.
- B. The monthly volume of discharge for residential users shall be presumed to be eighty-five (85) percent of the average water use as reflected by the billings for three months. If three months prior metered water use data is not available for a residential user, the discharge shall be estimated from the average residential class. The volume of discharge for all commercial and industrial users shall be presumed to be ninety-five (95) percent of the average water use as reflected by the billings for three months.
- C. Where the person discharging industrial wastes into the sanitary sewers of the town procures any part or all of his water supply from sources other than the Arizona Water Company, all or part of which is discharged into the sanitary sewer, the person discharging such water shall install and maintain at his expense, water meters, or other measuring devices of a type approved by the Inspection Officer for the purpose of determining the proper volume of flow to be charged.

(Ord. No. 208 § 8, 1979)

13.04.090**PRETREATMENT OF WASTEWATER PRIOR TO DISCHARGE INTO
SANITARY SEWERS**

- A. Where necessary in the opinion of the Town or Inspection Officer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to conform with:
1. Reducing the biochemical oxygen demand to two hundred (200) parts per million and the suspended solids to two hundred fifty (250) parts per million by weight; or
 2. Reducing objectionable characteristics or constituents within the maximum limits provided above in this section; or
 3. Controlling the quantities and rates of discharge of such waters and wastes.

(Ord. No. 208 § 9, 1979)

13.04.100**PROPER DESIGN AND CONSTRUCTION TECHNIQUES FOR NEW
SEWER CONNECTIONS**

- A. The connection of the building sewer into the Town sewer shall be at the property line when such interceptor is available to the owner's property. Connection at the property

line shall be made with a clean-out wye at the owner's expense. If no public sewer is available to the property line or if the location of public sewer is other than that desired by the owner, the owner shall at this expense, install a connection to the public sewer at a location approved as specified by the Town. Such connection shall be made by cutting a neat hole into the Town sewer to receive the building sewer with entry in the downstream direction at an angle of approximately forty-five (45) degrees. A forty-five (45) degree ell may be used to make such connections, with the spigot end cut so as not to extend past the inner surface of the Town sewer. The invert of the bulking sewer at the point of connection shall be the same or at a higher elevation than the invert of the Town sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Specific fitting may be used for the connection only when approved by the Town.

- B. The applicant for the building sewer permit shall notify the Inspection Officer when the building sewer is ready for inspection and connection to the Town sewer. The connection shall be made under the supervision of the Inspection Officer.
- C. A developer who wishes to extend sewer facilities must, at his expense, employ a civil engineer registered in Arizona to perform the field engineering and prepare detailed plans and specifications for the sewer extension. The final detailed plans and specifications for the main sewer extension must be approved by the Arizona Department of Health Services and by the Council before construction begins. The design and engineering will be in accordance with the specifications of the Arizona Department of Health Services and the Town prior to construction. The construction shall meet the Town's specifications, requirements and approval, and will be subject to inspection by the Town's agents during construction. Subject to the provisions of this section, the Town agrees to permit the developer to connect into the Town's existing trunk sewer lines and the main sewer line to be constructed by the developer provided in this chapter. Maximum allowable infiltration/exfiltration rate for sewer lines shall be two hundred (200) gallons per day per inch diameter of sewer per mile.
- D. No industrial waste producer will be allowed to connect to the system without first filing an application with the Town Clerk containing the following information:
 - 1. Maximum flow in relation to the maximum design capacity of the sewer system with allowance of infiltration/inflow.
 - 2. A breakdown of flow, BOD, and SS anticipated to be added to the system.After receiving the application, the Town Council, in session with the Inspection Officer, shall assess the impact of the industrial waste producer by comparing the normal amount of infiltration to the estimated flow and strength of the domestic user's class which may include similar categories in the commercial or institutional classes. This shall be done by considering domestic waste as on hundred (100) gpd at a loading of two hundred (200) m/l and two hundred fifty (250) m/l SS per capita. In addition, the charge shall be established at a rate reasonably designed to cover the increased cost of inspecting and monitoring, which will be required after connection to determine if the application was accurate.
- E. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town.

(Ord. No. 208 § 10, 1979)

13.04.110**DETERMINATION OF CHARACTER AND CONCENTRATION OF WASTES**

- A. The industrial waste of each person discharging same into the town sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes shall be made quarterly, or more often as may be necessary, by the Inspection Officer or his authorized assistants.
- B. Samples shall be collected and composited in such a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of such wastes shall be those set forth in Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, the most recent edition, a copy of which is on file with the Town Clerk for inspection by any interested parties.

(Ord. No. 208 § 11, 1979)

13.04.120**APPLICATION FOR UTILITY SERVICES; AGREEMENT**

- A. For purposes of this Chapter 13.04, "utility services" shall include sewer service and garbage and trash collection as set forth in Chapter 8.08 of this code.
- B. All persons requesting utility services from the Town or transfer of services from one customer to another shall submit an application to the Town on the Town's form. The Town may reject any application for utility services for any good and sufficient reason including, but not limited to, the failure to meet any of the criteria set forth in subsection (d) of this section.
- C. The act of requesting or receiving sewer or garbage pick-up service from the Town constitutes an agreement by the customer to comply with all related terms and conditions imposed by the Town. As a condition of initiating, continuing or reestablishing utility services, the Town may require the customer to execute an agreement for utility services in a form provided by the Town.
- D. Utility services shall not be initiated, continued or reestablished unless the following criteria are met:
 - 1. The Town offers and determines it is capable of providing the service under an established rate.
 - 2. Providing the service will not involve excessive cost to the Town or adversely affect service to existing customers.
 - 3. The customer has executed a service agreement for utility services in a form provided by the Town.
 - 4. All deposits, fees and other charges applicable to the service have been paid.
 - 5. All bills rendered for utility services provided to the customer and any required deposits have been paid.
 - 6. All extensions to the Town's sewer system necessary to provide service to the customer have been constructed and accepted by the Town, without cost to the Town.
 - 7. All improvements at the service location necessary to enable the Town to provide the utility service have been completed, without cost to the Town.

8. Adequate easements and rights-of-way, satisfactory to the Town, have been granted to the Town to ensure the Town can provide proper utility services to the service location.
 9. The customer and the service location are in compliance with all provisions of this code and all rules, regulations and procedures adopted thereunder.
 10. If a customer with more than one account seeks to open a new account, the customer must be current on all its existing utility accounts before service can be initiated for a new account.
- E. The initiation, continuation or reestablishment of utility services shall not constitute a determination by the Town that the conditions for service set forth in subsection (d) of this section have been met; nor does it preclude the Town from pursuing any remedy available to the Town arising from the customer's failure to satisfy the condition including, but not limited to, termination of service with or without notice.
- F. New sewer connections. Where a new connection to the Town's sewer system is necessary to provide sewer service to a location, the owner of the property shall submit an application to the Town on a form provided by the Town. If the town approves the new connection application, the applicant shall provide, at no cost to the Town, all appropriate sewer lateral piping from the main sewer line to the applicant's property line. Applicant shall obtain all required permits, inspections and approvals prior to connection to the Town's sewer system.
- (Ord. No. 208 § 12, 1979:Ord. No. 313,2009:Ord. No. 314, 2009:Ord. No. 344, 2015)

13.04.121

CONNECTION AND ESTABLISHMENT FEES; DEPOSIT REQUIRED

- A. Account Establishment Fee. Applicant shall pay an account establishment fee of \$50.00 accompanying the application to the Town of Miami for utility services. If a customer for utility services has had service in the past and the customer desires to reestablish utility services with the Town of Miami, the Town Manager shall review the previous account records for the customer to determine whether to waive an establishment fee for the new account.
- B. Deposit.
1. Prior to commencement of utility services for an account, a utility service deposit of the estimated amount of fees that will be due from the account for two (2) months of service shall be required from the following persons.
 - a. Every person applying for a new utility services account unless the person has a minimum 12-month good payment record as a Town utility customer.
 - b. Every person who has had a previous account or an existing account and is in arrears by more than one month unless an alternative payment schedule is agreed to in writing and the person is in full compliance with that agreement.
 - c. Every person whose utility services have, at any time previous, been terminated by the Town for delinquent payments.
 2. "Good Payment Record" means a consistent on-time utility fee payment record with not more than one (1) late payment for the preceding 12 month period.
- C. New Sewer Connection Fee. A new sewer connection fee for new service connections shall be paid prior to sewer services being provided by the Town in the following amounts:
1. Single-family residential connections - \$1,000.00;

2. Commercial and any non-single-family residential connection - \$2,500.00.
(Ord. No. 344, 2015)

13.04.124 **RATES FOR SEWAGE COLLECTION**

The monthly fee for sewer service is as set forth below:

A. Rates for Single Family Residential Accounts:

Usage per Gallon 100s	Usage ** Fee	Minimum Fee	Total Charge
-0-	\$0.00	\$26.53	\$26.53
001 – 025	\$18.75		\$45.28
026 – 050	\$37.50		\$64.03
051 – 075	\$56.25		\$82.78
076 – 100	\$75.00		\$101.53
101 – 125	\$93.75		\$120.28
126 – 150	\$112.50		\$139.03
151 – 175	\$131.25		\$157.78
176 – 200	\$150.00		\$176.53
201 – 225	\$168.75		\$195.28
226 – 250	\$187.50		\$214.03
251 – 275	\$206.25		\$232.78
276 – 300	\$225.00		\$251.53
301 – 325	\$243.75		\$270.28
326 – 350	\$262.50		\$289.03
351 – 375	\$281.25		\$307.78

** Usage Fee is equal to \$.85 gallons used x \$.0075 or \$18.75 per 2,500 gallon units of use where the gallons used is the Average of the lowest five months of water usage for the prior calendar year for the residence.

B. Rates for accounts other than Single Family Residential Accounts:

Classification	Description	Minimum Fee	Charged Rate **
R	Residential Homes, Apartments (individually metered), Condo, Duplex	\$26.53	R
C	Non-Food Retail under 5,000 gallons (includes services – non-medical)	\$26.53	R
I	Mining	\$26.53	Z
M	Apartments, Condos/Duplex, 4/Plex, Motel/Hotel (non-dining)	\$26.53	C
H	Hospital/Medical, Physicians / Dental, Clinic / Veterinarians	\$26.53	Z
R	Restaurants Hotel/Motel (with dining) Fast Food	\$26.53	Z
Q	Fabricating / Machining	\$26.53	Z
V	Gas / Car Wash / Laundry	\$26.53	Z
N	Non-Profit, Schools and Churches	\$13.78	N
G	Grocery and Department Stores	\$26.53	C

**** Charged Rate:**

R = \$17.91 per 2,500 gallons or part thereof - \$0.0071 per gallon of usage
C = \$22.26 per 2,500 gallons or part thereof - \$0.0089 per gallon of usage
N = \$9.31 per 2,500 gallons or part thereof - \$0.0037 per gallon of usage
Z = \$17.91 per 2,500 gallons or part thereof - \$0.0071 per gallon of usage

(Ord. No. 313, 2009;Ord. No. 314, 2009;Ord. No. 316, 2010;Ord. No. 320, 2010;Ord. No. 343, 2015;Ord. No. 351, 2017;Ord.No. 360,2018;Ord. No. 365 2019)

13.04.126

RATES FOR SEWAGE COLLECTION OUTSIDE THE TOWN LIMITS OF MIAMI

In addition to the rates established for customer accounts for sewer service within the town limits, an additional minimum monthly fee shall be charged for customers for sewer service outside of the town limits as follows:

A. Single-Family Residential Accounts:

For sewage collection located outside the town limits, a surcharge of \$10.00 per month will be added to the minimum fee set forth in Section 13.04.124 A.

- B. Accounts Other Than Single Family Residential:
For sewage collection located outside the town limits, a surcharge of \$37.00 per month for each 25,000 gallons of water usage or part thereof will be added to the minimum fee set forth in Section 13.04.124 B. "Gallons Used" shall be deemed to be the lowest monthly water usage for December, January or February of the prior fiscal year.
(Ord. No. 313, 2009:Ord. No. 314, 2009:Ord. No. 316, 2010)

13.04.128

**REDUCTION OF SEWER CHARGES BY MONITORING OF THE
WATER USAGE WHICH DOES NOT CONTRIBUTE TO SEWER FLOW
RATES; AUTHORIZATION FOR TOWN MANAGER TO ADJUST
SEWER RATES IN CERTAIN CIRCUMSTANCES**

- A. Reduction of Sewer Charges by Monitoring of the Water Usage which does not Contribute To Sewer Flow Rates:
The Town of Miami will allow customers of the sewer system to reduce their sewer bills by monitoring the water usage with a separate meter or meters installed to measure the water usage by the customer which is devoted exclusively to purposes which do not contribute to the sewer flow rates. Examples of such uses are cooling towers where the water evaporates and the watering of plants such as flowers, trees and lawns where the water evaporates and percolates but does not enter the sewer.
In order to take advantage of this program, customers will be required to make application in writing to the Town of Miami for a metered sewer account. The application will require the customer to provide the Town with the technical information concerning the meter and clearly document the water circuit being monitored. Upon approval by the Town of Miami, the customer will be allowed to have the monitoring system installed by a licensed professional. The customer will be required to pay all the expenses of the installation including but not limited to the cost of the meter, professional installation and calibration.
The sewer rate for the customers of the monitoring program will be calculated based upon the sewer rate chart set forth for other customers where water usage has first been reduced by the water usage devoted exclusively to purposes which do not contribute to the sewer flowrates and then increased by a multiplier of 1.17. The multiplier is utilized to offset the reduction applied universally to the other accounts to compensate for the known fact that not all water usage contributes to sewer flowrates. Customers choosing the monitoring program will be required to pay an annual fee of \$20.00 for reading of the monitoring meter by the Town. The reading of the monitoring meter or meters by the Town will take place on the first and last days of February of the prior fiscal year.
By separate resolution adopted by the Mayor and Council, the Town will provide a description of the meters which will be accepted by the Town for the monitoring of water usage. In cases where a monitoring meter or meters are already in place, the Building Inspector for the Town of Miami will determine the suitability of the monitoring system including the customer choice of meter.
- B. Authorization for Town Manager to Adjust Sewer Rates in Certain Circumstances:
Notwithstanding the provisions of Paragraph A, the Town Manager is authorized to adjust sewer fees for a customer of the sewer system where there is substantial

evidence that an event has occurred that results in the sewer fee charged not reflecting actual sewer usage.
(Ord. No. 314, 2009;Ord. No. 319, 2010)

13.04.130 **BILLING; DISPUTED CHARGES**

- A. Bills for utility services shall be mailed monthly notifying the customer of the amount and date due. Failure to receive notice is not an excuse for late, incomplete, or nonpayment of bills.
- B. All utility services charges are due on the first day of each month and are delinquent if not paid by the sixteenth day of each month.
- C. A late fee of 1.5% per month of the unpaid balance shall be imposed on all utility services fees not paid by the sixteenth day of each month. The same late fee will be imposed on all outstanding balances for scheduled payments that are delinquent pursuant to an agreement between the customer and the Town for utility services fees that were in arrears.
- D. Any customer may present a claim to the Town if he believes that he may have received an incorrect bill.
 - 1. The claim shall be presented in person or in writing to the utility billing department before the bill becomes delinquent.
 - 2. A customer may make a claim following payment of his bill and his payment shall not prejudice the claim. **Such claim shall not exempt the customer from delinquency penalties if he fails to pay the undisputed portion on time.**
 - 3. If the Town determines that the bill was incorrect and the customer paid the disputed portion, the amount of the error shall be credited to the next month's bill or, if the account has been terminated, the amount shall be refunded to the customer within thirty days of the Town's determination.

(Ord. No. 208 § 13, 1979;Ord. No. 323, 2011;Ord. No. 344, 2015; Ord. No. 349, 2016;Ord. No. 356, 2017)

13.04.131 **DELINQUENT ACCOUNTS – TERMINATION OF SERVICES; COLLECTIONS; LIENS**

- A. Utility services may be considered delinquent and subject to enforcement by means of collection, termination, and/or lien enforcement for any one of the following reasons:
 - 1. Failure to pay for any services, fees or assessments on or before the due date; or
 - 2. Non-Sufficient fund checks; or
 - 3. Issuing a stop-payment order on a check presented for payment of a utility services bill; or
 - 4. Termination of automatic payment by the customer without making timely payment in some other form.
 - 5. A customer has entered into a delinquent payment plan agreement with the Town pursuant to Section 13.04.132 and has failed to make any one payment prior to the due date.

- B. Termination of Services. Sewer and garbage collection services may be terminated if the bill for such services remains unpaid 45 days after the billing date.
1. Prior to termination, the customer shall be notified in writing that the services shall be terminated and that the bill and termination of the service may be discussed with the Town Manager or his designee. Notice of the proposed termination may be provided on or with the regular billing to the customer or by separate notice delivered by hand or regular United States Postal Service at the service address or the most recent mailing address provided by the customer. If the customer whose bill is delinquent is not the owner of the premises, and the Town has notice of the address of the owner, a copy of the notice shall be sent to the owner. The Town's failure to provide notice or the owner's failure to receive notice shall not affect the Town's right to terminate sewer services for nonpayment.
 2. After such notice, if the customer fails to pay the utility charges and penalties, if any, in full within ten (10) days of the date of notice, the Town may disconnect the property from the Town's sewer system and charge the customer with the fees set forth in this chapter for disconnection from the system, unless one of the following has occurred:
 - a. If the customer pays the utility charges and penalties, if any, in full within ten (10) days of the date of notice; or
 - b. Enters into a delinquent payment agreement with the Town on or before December 31, 2017, pursuant to Section 13.04.132.
- C. Collections. In addition to or in lieu of terminating services, the Town may refer to a collection agency any utility account that is more than 60 days past due, which shall be calculated from the original billing date. The customer shall be held responsible for collection fees and charges to collect the debt.
- D. Lien Enforcement. The Town Manager or designee may assess and file a lien on real property for the nonpayment of utility user fees for services provided to the property if the payment of the fees is delinquent for more than ninety (90) days.
1. Before filing the lien, the Town Manager or designee shall provide written notice to the owner of the property. The notice shall be given at least thirty (30) days before filing the lien and shall include an opportunity for a hearing before an official, to be designated by the Town Council for such purposes subject to Subsection 2, below, the notice shall be either served personally on or mailed to the property owner, at the last known address by certified mail, return receipt requested, or to the address to which the tax bill for the property was last mailed as shown in the county records.
 2. If the owner does not reside on the property, the notice shall be sent to the last known address.
 3. If served by mail, notice shall be deemed to be complete on the date on which the notice is deposited in the United States Mail.
 4. The notice shall inform the property owner that:
 - a. He or she has the opportunity for a hearing regarding the delinquency before a designated Town Official.
 - b. If a timely objection is not filed, the unpaid delinquency shall be deemed due and owing and failure to pay shall result in the Town pursuing all available means of collection as authorized by the Town Code.

- c. If a hearing is requested and it is determined as a result of the hearing that the unpaid delinquency is due and owing, failure to pay shall result in the Town pursuing all available means of collection as authorized by the Town Code.
5. In the event the property owner requests a hearing, such request must be received not later than fifteen (15) days from the date of the notice. The request for hearing must include copies of all documents that support the owner's position, including any documents that there is no delinquency or that the amount claimed delinquent by the Town is in error. A hearing shall be scheduled and held not later than thirty (30) days following a request for a hearing by a property owner. The property owner shall be notified in writing of the time and date of the hearing.
6. The hearing shall be held by a Hearing Officer who shall be a non-Town employee retained by the Town, or a Town employee who has no involvement with the Public Works Department or Utility Billing. The Hearing Officer shall have the authority prescribed to public officers pursuant to A.R.S. § 12-2212, as may be amended from time to time.
7. The hearing may be continued one time by the Hearing Officer upon the written request of either party for good cause.
8. The hearing shall be held during regular Town business hours.
9. The hearing shall be recorded by an electronic recording device.
10. The property owner and the Town shall each be given an opportunity to present their respective cases. The Town shall present its case first. Presentation by either party may include:
 - a. sworn testimony;
 - b. submission of evidence;
 - c. presentation of witnesses; and
 - d. cross examination.
11. The Arizona rules of evidence shall not apply, and the Hearing Officer may permit the admission of any evidence deemed relevant to the issues at hand to be admitted.
12. The Hearing Officer shall render a decision within fifteen (15) days of the close of the hearing, which decision shall be binding and final on all parties. The record of the hearing and the decision by the Hearing Officer shall be filed with the Town Clerk. The Hearing Officer's order shall be mailed to the property owner by certified mail, return receipt requested, and notice of the order shall be deemed to be complete upon the date on which the notice is deposited in the United States Mail.
13. The Hearing Officer may find the following:
 - a. The property owner does not owe the delinquent amount and the notice of delinquency shall be canceled.
 - b. The property owner does owe the delinquent amount as noticed by the Town and order that the amount be paid within twenty (20) days of the date of the decision is rendered; or
 - c. A different (lesser) amount than that which was noticed by the Town is owed and delinquent and order that amount be paid within twenty (20) days of the date of the decision is rendered.

14. The Hearing Officer's decision may be appealed by either party by filing an action in the Gila County Superior Court.
15. In the event no hearing is requested by the property owner, or in the event payment is not made on a delinquent amount as determined by a Hearing Officer after a hearing, the Town shall place a lien on the property in accordance with this section.
16. The unpaid utility user fees are a lien on the property from the date of the recording of the lien in the office of the County Recorder until all fees are paid in full. The lien is subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under this Section 13.04.131 shall be made following a judgement of foreclosure and order of sale. The Town may bring an action to enforce the lien in the Gila County Superior Court at any time after the recording of the lien, but failure to enforce the lien by a foreclosure lawsuit shall not affect the validity of the lien. The recorded unpaid utility user fees lien shall be prima facie evidence of the truth of all matters recited in the recording and the regularity of all proceedings before the recording.
17. Notwithstanding any of the provisions of this Section 13.04.131, any lien placed on a property pursuant to this section shall be enforceable pursuant to and in accordance with A.R.S. § 9-511.02.

(Ord. No. 349, 2016:Ord. No. 356, 2017)

13.04.132 DELINQUENT PAYMENT PLANS

- A. A delinquent payment plan may be approved by the Town Manager for a sewer service account holder who, as of October 1, 2017, has an outstanding balance exceeding \$300 on any one account. Any such agreement shall be entered into on or before December 31, 2017.
- B. Upon request from the sewer service account holder, and upon meeting the criteria listed below, the Town Manager may enter into a delinquent payment plan with the account holder in the following circumstances:
 1. The account has become delinquent and notice of termination has been sent to the account holder; or
 2. The account has become delinquent and the account holder has indicated a desire to bring the account current but is financially unable to do so in one payment.
- C. In order to be eligible for a delinquent payment plan, the account holder shall submit a fully completed and signed application on the form prepared by the Town, accompanied by relevant documentation for the Town Manager to review to determine eligibility and appropriate term of the agreement.
- D. The term of the agreement may be up to three (3) years, based upon the schedule of arrearages shown in the table below:

AMOUNT OWED	TERM OF AGREEMENT
\$300 - \$499	Up to 6 months
\$500 - \$1,000	Up to 12 months
\$1,000 - \$2,499	Up to 24 months
\$2,500 and higher	Up to 36 months

- E. The Town Manager may, upon a showing that the applicant is financially unable to meet the above payment schedule, extend the term of payments for an individual agreement, but in no case shall an agreement be extended for a period longer than 36 months.
- F. Upon notification of approval by the Town, the applicant shall execute an agreement which, if the applicant is the owner of the property for which the fees were incurred, shall be recorded in the office of the Gila County Recorder as a lien against the property and all other properties owned by the applicant. The Town shall record a full release of the lien upon satisfactory completion of the payment agreement.
- G. Failure to comply with the terms and conditions of the agreement shall be grounds for immediate termination of sewer service with or without notice.

(Ord. No. 356, 2017)

13.04.133 REESTABLISHMENT OF SERVICE

- A. A sewer service account which has been terminated may not be reestablished and reconnected to the Town's sewer system except upon payment of all outstanding amounts owed to the Town related to sewer service, including all past due fees, service charges, and additional deposits required to establish sewer service. Disconnection and reconnection fees set forth in this chapter, and any other incidental costs or expenses occasioned by the service termination.
- B. The Town Manager or his designee is authorized to provide a waiver of any fee if it is determined that the customer has a sewer bill history without delinquency for the prior year; provided however, that the outstanding sewer bill is brought current.

(Ord. No. 323, 2011; Ord. No. 356, 2017)

13.04.134 DISCONNECTION AND RECONNECTION FEES

The following fees shall be charged for disconnection from and reconnection to the Town's sewer service system:

DISCONNECTION FEES:	FEE:
4-Inch sewer valve housing, plunder, adapter, cap and 2 couplings	\$130.00
Labor (\$12.00 per hour x 2 men x 8 hours x 1.5)	\$288.00
Meter Box (17x11x12)	\$27.90
Keyed Lock	\$15.00
Administrative Fee	\$50.00
Locating Lateral Fee	\$150.00
Equipment, usage (\$40.00 per hour x 3)	\$120.00

Repairs to sidewalks, curbs or streets	Actual cost
Estimated Total	\$780.90 *

* Plus actual cost of repairs to sidewalks, curbs or streets, as may be required.

RECONNECTION FEES:	FEE:
During regular working hours	\$50.00
After regular working hours	\$150.00
Damage to disconnection apparatus or lateral	Actual cost

(Ord. No. 323, 2011)

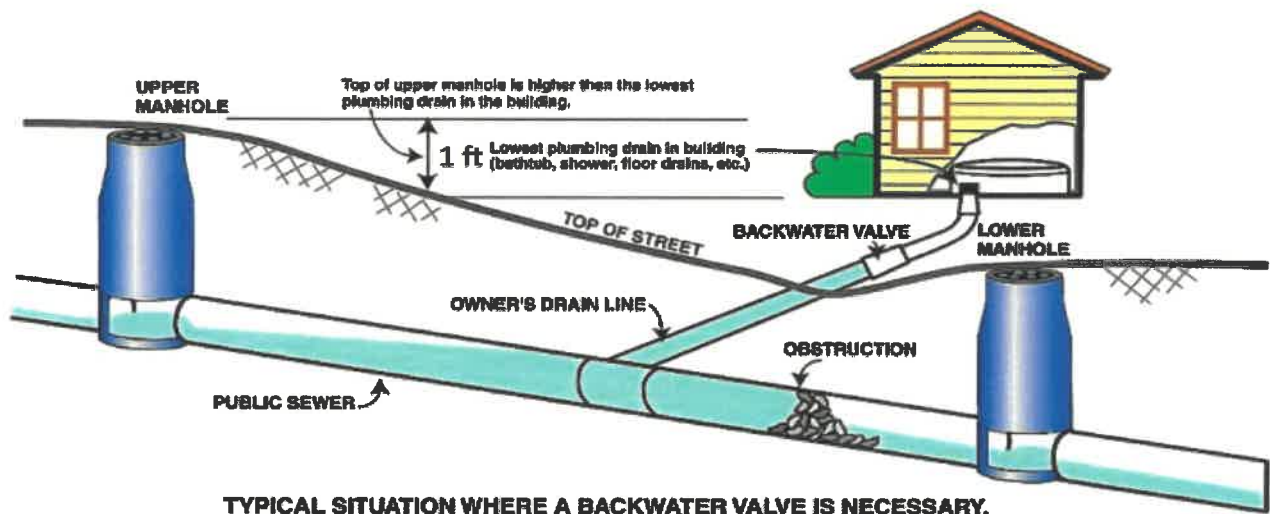
13.04.140 **PROTECTION FROM DAMAGES**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the Town, used for the purpose of making tests or examinations and left upon the premises of a person. (Ord. No. 208 § 14, 1979)

13.04.150 **SEWER LATERALS AND SEWER BACKWATER VALVES**

- A. The purpose of this section is to establish requirements for property owners to inspect, maintain, repair and/or replace, sewer laterals and sewer backwater valves, as required, on each property in the town that is connected to the Town's sewer system. A sewer lateral that is properly maintained will reduce the risk of sanitary sewer overflows and sewer backups by minimizing inflow and infiltration into the sewer system and minimizing blockages due to pipe failures or root intrusion. A sewer backwater valve will protect properties that sit in a low elevation with respect to the sewer main from backflow and associated health hazards and property damage. Sanitary sewer overflows (SSOS) pollute surface and groundwater, threaten public health, adversely affect aquatic life, and impair the recreational use and aesthetic enjoyment of surface waters. Typical consequences of SSOS include the closure of beaches and other recreational areas, inundated properties, and polluted rivers and streams, SSOS can result in penalties and fines to the Town from governmental agencies and nongovernmental organizations. Due to the risk of sanitary sewer overflows and sewer backups, the Town Council finds that a program to keep sewer laterals in good repair to install sewer relief valves and sewer backwater valves where required is in the best interest of the health and welfare of the citizens of the Town of Miami.

- B. **Inspection.** With reasonable cause authorized employees of the Town properly identified, and with permission of the occupant, shall have free access at proper hours of the day, for purposes of inspection, to all parts of the premises or buildings to which sewer service is supplied by the Town. In the event the owner or occupant of any premises refuses to permit the inspection, the Town may, with proper justification, discontinue utility service and/or may apply to the municipal court of the Town for a court order directing the owner or occupant to permit the inspection.
- C. **Backflow device required.**
1. Where a sewer lateral serves plumbing fixtures that are located less than one (1) foot above the rim elevation of the upstream manhole or rod hole in the reach of main sewer into which the side sewer connects, it shall be protected from backflow of sewage by installing a backflow prevention device of an approved type and in the manner prescribed by the Town. Any such backflow device shall be installed by the property owner for sewer service at the sole cost and expense of the property owner. The maintenance of the backflow device shall be the sole obligation of the property owner. The Town shall be under no obligation to ascertain that the backflow device continues in operating condition.



- D. Requirements for sewer lateral inspection, repair and/or replacement upon sanitary sewer overflows and/or sewer backups.
1. Responsibility for inspection. The Town may perform inspection of sewer laterals upon sanitary sewer overflows and/or sewer backups.
 2. Responsibility for repair and/or replacement of sewer lateral. The property owner shall be responsible for repair and/or replacement of the lateral in the case where a notice to repair has been issued following a sanitary sewer overflow and/or sewer backup. The property owner shall also be responsible for correcting all sources of inflow to the sewer lateral.
 3. Notice to repair time limits. A notice to repair will be issued by the Director when conditions are observed in conjunction with sewer overflow and/or a sewer backup which require repair and/or replacement of the sewer lateral. Time limits for repair and/or replacement of the sewer lateral shall be 45 calendar days.
 4. Repair performed by Town and recovery of costs. If the sewer lateral repair/replacement and/or root removal are not complete within the required time limits, including any extensions granted, the Town shall complete the required repair/replacement and/or root removal costs thereof plus 10% shall be assessed to said resident's sewer account.
- E. Failure to repair, replace and maintain an active sewer lateral public nuisance. The failure of a property owner to repair and/or replace a sewer lateral within the time limits stated in Section 13.04.150 D.3 or maintain an active sewer lateral at all times.
1. Shall be deemed a public nuisance and health hazard.
 2. Shall relieve the Town, its officers, employees and agents from any liability, damages, or claims resulting from a sewer backup, regardless of whether the sewer backup occurs from a blockage of a sewer main or a sewer lateral.

(Ord. No. 368)

CHAPTER 13.05

SEPTAGE RECEIVING STATION

SECTION:

13.05.010	DEFINITIONS
13.05.020	PERMITS
13.05.030	DISPOSAL OF SEPTAGE
13.05.040	SEPTAGE DISPOSAL FEE
13.05.050	BILLING
13.05.060	ILLEGAL DISCHARGE
13.05.070	DOMESTIC SOURCE
13.05.080	PROVISION OF SERVICE
13.05.090	BOND
13.05.100	REQUIREMENTS FOR SEPTAGE HAULERS; TRACKING SYSTEM
13.05.110	NOTIFICATION OF VIOLATION
13.05.120	HEARING OFFICER
13.05.130	HEARING PROCEDURES
13.05.140	PENALTIES
13.05.150	APPEAL
13.05.160	NOTICE OF SIGNIFICANT NONCOMPLIANCE
13.05.170	ENFORCEMENT RESPONSE PLAN
13.05.180	JUDICIAL PROCEEDINGS

13.05.010 DEFINITIONS

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

Domestic Waste: Wastewater which requires no pretreatment before discharging into the sanitary sewer system, excluding all commercial, manufacturing and industrial wastes, including all wastewater generated by home dwellings, public restrooms, hotels, restaurants, motels, resorts, schools, places of worship, sports stadiums, hospitals and other health centers, apartments and the like.

Sewerage system: Infrastructure that collects and conveys sewage by means of a network of pipes, pumps, manholes, and force mains to the sewage treatment facility.

Septage receiving plant or facility: Any facility designed to receive septage waste which has been pumped from septic tanks, chemical toilets, cesspools.

Wastewater treatment plant: A facility wherein wastewater is processed using physical, chemical, and/or biological processes to remove physical, chemical and biological contaminants.

Wastewater treatment and reclamation facility: A facility that treats wastewater with advanced processes to produce exceptional quality water to be discharged back into the local river system.

(Ord. No. 357, 2017)

13.05.020**PERMITS**

Any person or company desiring to discharge collected wastes to the town sewerage system through a vacuum or cesspool pump truck or other liquid transport truck shall obtain a septage disposal permit issued by the Town in accordance with this chapter. Application for a permit shall be made on a form prescribed by the Town. The annual permit fee shall be in an amount approved by separate resolution by the Town Council. (Ord. No. 357, 2017)

13.05.030**DISPOSAL OF SEPTAGE**

Permit holders shall dispose of septage only at the Miami septage receiving station for the wastewater treatment and reclamation facility, unless otherwise authorized in writing by the Town Manager or Public Works Director to discharge at an alternate location. (Ord. No. 357, 2017)

13.05.040**SEPTAGE DISPOSAL FEE**

All users of the septage receiving station shall pay a septage fee for the costs of sampling and accepting, treating and disposing of the septage through the wastewater system. The septage fee shall be based upon total gallons discharged and the concentration of the septage (Chemical Oxygen Demand ("COD")) being discharged. The septage fees shall be set by the Town Council by separate resolution. All fees shall be reviewed periodically by the Town to ensure the fees generate sufficient revenue to pay the costs of construction, operation, maintenance, repair and replacement of the septage receiving station and the associated costs to treat the septage. (Ord. No. 357, 2017)

13.05.050**BILLING**

- A. A permit holder shall pay septage fees through a monthly billing arrangement.
- B. Any permit holder in arrears on a monthly billing may be required to provide a cash deposit or bond in a reasonable amount as determined by the Town Manager to continue monthly billings. The Town Manager may apply the deposit or bond against any amount unpaid sixty (60) days after the date of billing. The Town Manager may terminate a monthly billing privilege at any time and require the hauler to pay at the time of delivery. Non-payment may also result in termination of privileges to discharge into the Town's sewerage system.
- C. A user discharging through special authorization of the Town Manager shall be billed at the septage receiving station subsequent to the acceptance of the load and shall pay the fee prior to the discharge of the septage.

(Ord. No. 357, 2017)

13.05.060**ILLEGAL DISCHARGE**

Any person who disposes of any septage in Town facilities without a permit shall be liable for a permit penalty fee of \$1,000 in addition to enforcement and penalties pursuant to Section 13.05.130 of this Code. (Ord. No. 357, 2017)

13.05.070**DOMESTIC SOURCE**

Every person who discharges to the septage receiving station shall be responsible for protecting the residents of the Town, and/or sewerage system by ensuring that the septic is from a domestic source. (Ord. No. 357, 2017)

13.05.080**PROVISION OF SERVICES**

- A. Normal wastes from septic tanks, sewage treatment plants, etc., may be discharged routinely.
- B. The pH range for accepted waste shall be 5.0 – 10.0. If the pH is outside of the accepted range, authorization from the Public Works Director is required prior to discharging into the Town's sewerage system.
- C. Permission to discharge other wastes that are not readily biodegradable, are not known to be compatible to the operations of wastewater treatment plants, or may result in impairment to the treatment plant's ability to meet regulatory requirements shall be refused. Special request must be made to the Town Manager prior to discharge of any materials of questionable acceptability. Some specific reasons for refusal of service shall include, but not be limited to, the following:
 - 1. Material deleterious to treatment plant operation or operators such as oils, greases, gasoline, toxics, volatile solvents, sand, metallic particles, or paints.
 - 2. Materials which would cause unusual expenses in handling and treatment (i.e. blood, etc.), unless prior arrangements have been made for the payment of additional cost of service.
 - 3. Materials which would inhibit the performance of the treatment plant such as acids, planting wastes, or toxic materials.

(Ord. No. 357, 2017)

13.05.090**BOND**

The Town may require a septage hauler to post a bond prior to disposal of industrial waste. In determining the amount of any bond which is to be required, the Town shall consider: (1) the reasonably foreseeable injury to the Miami wastewater treatment and reclamation facility or personnel that could result from any discharge in violation of the requirements of this chapter; (2) the nature and extent of any previous violation by the industrial user of applicable federal, state, or local discharge requirements; and (3) the extent to which the industrial user is reasonably deemed liable for any existing damages to the Miami wastewater treatment and reclamation facility. (Ord. No. 357, 2017)

13.05.100**REQUIREMENTS FOR SEPTAGE HAULERS; TRACKING SYSTEM**

- A. A septage hauler shall use the Miami wastewater treatment and reclamation facility septage tracking system specified by the Town to record each load that is delivered to the facility. Prior to discharge of septage, a septage hauler shall allow the Town to sample and analyze the contents to ensure compliance with discharge limits and requirements. The Town, at the Town's sole discretion, may permit a septage hauler to provide a suitable sampling tap or equivalent appurtenance in lieu of the Town taking a

sample and performing the analysis. The Town may require a septage hauler to suspend discharging septage until the analysis is complete. The Town shall refuse authorization to discharge any septage that does not provide for the protection of the facility, groundwater resources, effluent and industrial wastewater sludge disposal methods, and operating personnel, and that may impact water quality such that it will or could cause a permit violation.

- B. It shall be the responsibility of a septage hauler to discharge septage in such a manner as to keep the area clean and free from spills or other debris. Any spills shall be promptly cleaned up at the expense of the septage hauler.

(Ord. No. 357, 2017)

13.05.110

NOTIFICATION OF VIOLATION

- A. Whenever the Public Works Director finds that a person, hauler, or permit holder is in violation of any provision of this chapter not relating to payment of fees, any part of a permit, or any order for corrective action, the Public Works Director shall serve or cause to be served upon such a written Notice of Violation ("NOV"). The NOV shall state the nature of the alleged violation. A copy of the NOV shall be delivered to the Hearing Officer specified in Section 13.05.120.
- B. The NOV shall include a temporary order prohibiting any discharge by the alleged violator when, in the opinion of the Public Works Director, such an order is necessary to cease a discharge from a user that may present a hazard to public health, safety or welfare, or to the environment, or pass-through, interference, or upset to the Town's sewerage system and/or wastewater treatment plant. A user shall cease discharge of all wastewater to the Town's wastewater treatment plant upon receipt of such an order. If a user fails to comply with said order, the Public Works Director shall take such steps as necessary to ensure compliance, up to and including erection of physical barrier.
- C. A person served with a NOV may respond in writing to the Public Works Director within ten (10) days from receipt of the NOV by the person, addressing the allegations stated in the NOV. A copy of such response shall be delivered to the Hearing Officer specified in Section 13.05.120. It shall not be a defense to a violation to assert that it would have been necessary to halt or reduce the permitted discharge in order to maintain compliance with the conditions of the permit.
- D. Upon review of a response to a NOV, the Public Works Director may, in his or her discretion, discontinue enforcement proceedings for the alleged violations. If the Public Works Director discontinues enforcement proceedings, he or she shall so state in a written notice served upon the alleged violator. A copy of such notice shall be delivered to the Hearing Officer specified in Section 13.05.120.

(Ord. No. 357, 2017)

13.05.120

HEARING OFFICER

Enforcement proceedings conducted pursuant to this chapter shall be heard before the Town Magistrate, or by a Hearing Officer appointed by the Town Council pursuant to A.R.S. § 9-500.21. (Ord. No. 357, 2017)

13.05.130**HEARING PROCEDURES**

- A. The Hearing Officer shall hold a hearing within thirty (30) days of receipt of a NOV to determine whether a violation has occurred.
- B. No hearing may be conducted pursuant to this section after the Public Works Director has issued a notice pursuant to Section 13.05.110(D).
- C. The judicial rules of civil procedures and evidence shall not apply to hearings conducted pursuant to this section.
- D. The Hearing Officer shall consider the NOV and any response by the alleged violator, as well as the evidence presented by both parties, in determining whether a violation has occurred.
- E. If the alleged violator fails to appear at the hearing, the violations alleged in the NOV shall be considered admitted and the Hearing Officer shall enter judgment accordingly.
- F. The Hearing Officer shall issue a written order within ten (10) days of the hearing, setting forth his or her judgment and specific findings of fact in support thereof.

(Ord. No. 357, 2017)

13.05.140**PENALTIES**

- A. If the Hearing Officer finds that the violations alleged in a NOV have occurred, he or she may impose any or all of the following penalties:
 - 1. Revocation of the violator's permit.
 - 2. Suspension of the violator's permit pending compliance with the provisions of this chapter. Such suspension shall continue for no longer than thirty (30) days.
 - 3. A fine of up to \$2,500.00 per day of the violation(s) after the NOV was received by the violator.
 - 4. An order directing the violator to perform specified remedial, corrective or clean-up actions at the violator's expense.
 - 5. Restitution to the Town for any interference, pass-through, upset, or any other damage to the Town's sewerage system and/or wastewater treatment plant that resulted from the violations(s).
- B. If a person fails to comply with any order issued pursuant to this section, the Town Attorney may prosecute that person pursuant to A.R.S. § 13.2810.

(Ord. No. 357, 2017)

13.05.150**APPEAL**

The Town Manager or violator may appeal any decision of the Hearing Officer to the superior court pursuant to A.R.S. § 12.124. (Ord. No. 357, 2017)

13.05.160**NOTICE OF SIGNIFICANT NONCOMPLIANCE**

To comply with the public participation requirements of 40 C.F.R. Part 25 in the enforcement of national pretreatment standards, the Town Manager shall publish, at least annually, in the daily newspaper with the largest circulation in the area in which the Town's wastewater treatment plant is located, a list of persons that, at any time during the previous twelve (12) months, were

in significant noncompliance with applicable pretreatment requirements as required under 40 C.F.R. 403.8(f)(2)(vii)(A-H). (Ord. No. 357, 2017)

13.05.170 **ENFORCEMENT OF RESPONSE PLAN**

The Miami wastewater treatment and reclamation facility shall develop and implement an Enforcement Response Plan in accordance with the requirements of 40 C.F.R. § 403.8(f)(5). (Ord. No. 357, 2017)

13.05.180 **JUDICIAL PROCEEDINGS**

Whenever the Town Manager or Public Works Director finds that a user has violated any of the provisions of this chapter, the Town Manager or Public Works Director may ask the Town's attorney to take appropriate legal action, in lieu of proceedings under Section 13.05.110. This legal action may include, but shall not be limited to, the following:

- A. Prohibitive injunctions.
- B. Injunctions for corrective action and cleanup.
- C. Civil penalties in accordance with this chapter.
- D. Recovery of civil damages, penalties and costs to the Town's wastewater treatment and reclamation facility and the Town's sewerage system.

(Ord. No. 357, 2017)