

ORDINANCE 2005 - 61

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO WASTEWATER; AMENDING VARIOUS PROVISIONS OF PIMA COUNTY CODE, TITLE 13, CHAPTER 20, SANITARY SEWER CONSTRUCTION, CONNECTIONS AND FEES.

BE IT ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS:

**SECTION 1.** *Amendment.* The Pima County Code, Title 13, Chapter 20, Section 020 is hereby amended as follows:

**13.20.020 Definitions.**

The following definitions apply throughout this chapter:

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13. "Connection fee credit" means a credit for eligible construction and engineering costs, not including ~~engineering and~~ easement costs, of over-sizing public sanitary sewerage facilities to be applied against an applicant's sewer connection fees.

....

15. "Credit agreement" means an agreement between an applicant and Pima County for reimbursement by connection fee credits for the credit eligible construction costs of over-sizing or augmenting public sanitary sewerage facilities directed by the Department.

**SECTION 2.** *Amendment.* The Pima County Code, Title 13, Chapter 20, Section 026(A) is hereby amended as follows:

**13.20.026 Planning for expansion and/or extension of public sanitary sewerage system.**

A. Development Within Currently Served Area.

The following process shall be followed when an applicant is proposing development of a parcel or parcels of land within an area that is already served by the public sanitary sewerage system:

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3. *Sewer Service Agreement.* The Department and the applicant may enter into an agreement requiring the applicant to construct that specifies the required improvements. Applicant's failure to complete construction of the specified improvements or of the development within the time period specified by the agreement shall render void the Department's commitment to provide sewer service to the undeveloped portion of the area under development. that will be made by the applicant. The requirements for over-sizing, augmentation or flow-through shall be documented in any formal sewer service agreement executed by the applicant and Department. Those projects that require only on-site sewer construction shall be documented by letter agreement.

**SECTION 3. Amendment.** The Pima County Code, Title 13, Chapter 20, Section 030 is hereby amended as follows:

**13.20.030 Construction or Modification of public sanitary sewerage facilities.**

A. Construction of Public Facilities.

1. The Department may grant permission for an applicant to construct public sanitary sewerage facilities. The Director or a designated representative is authorized to decide whether all or part of a sanitary sewerage system will be accepted into the public system. The applicant may be required to design and construct the public sanitary sewerage facilities so as to provide capacity and service to all up-gradient property. The applicant may be required to augment existing downstream public sanitary sewerage facilities in order to provide capacity for the applicant's development. All on-site and off-site public facilities shall be designed in conformance with the latest edition of Pima County Wastewater Management Department's Manual of Engineering Standards and Procedures and the latest edition of the Pima County/City of Tucson Standard Specifications and Standard Details for Public Improvements, as modified by Department directive. Public sanitary sewers shall also meet the design requirements of State of Arizona Administrative Code Title 18 Chapter 9. Public sanitary sewerage facilities and related improvements shall be constructed at the sole expense of the applicant. The size and location of public gravity sanitary sewage conveyance facilities shall be not less than eight inches in internal diameter and shall be routed so as to be positioned beneath the paved portions of public roads, streets, avenues, alleys and public rights-of-way, or within dedicated public sewer easements under paved private streets, to the maximum degree possible in order to maximize visual access and to maximize unrestricted 24-hour maintenance vehicle access over

and to the public sanitary sewerage facilities. The location of public sanitary sewerage facilities in easements or in areas with restricted vehicular access may be allowed on a case-by-case basis only if no alternative alignment is deemed feasible by the Department. In those instances where new sewers are not placed beneath the paved portions of roads/streets, surface improvements sufficient to provide the Department's sewer maintenance vehicles with unrestricted year round, all weather access to the public sanitary sewerage facilities may be required. The required surface improvements shall accommodate the weight and turning radii of the Department's sewer maintenance vehicles, and include turnaround areas as specified by the Department.

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B. Modification of Existing Public Facilities.

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2. Plans are valid for ~~one~~ two years after approval. The fees for the review of expired plans are the fees in effect at the time of the resubmittal.

....

F. Bill of Sale. Upon completion of construction and final approval by the Department of the sanitary sewerage facilities previously agreed by the Department to be added to the public sanitary sewerage system, and upon delivery to the Department of all required approved and recorded easements and the required number of sets of operations and maintenance manuals for wastewater pumping facilities and "as built" drawings of sanitary sewerage facilities to be conveyed to the County, applicant shall convey all of its right, title and interest in and to the newly constructed sanitary sewerage facilities to Pima County, free and clear of liens, claims, charges and encumbrances. The transfer of the right, title and interest in and to the sewerage facilities shall be accomplished by a bill of sale prepared by Pima County. The applicant shall warrant that all work shall be free from any defects due to poor workmanship or materials for a period of one year from the acceptance of a bill of sale by the Department on behalf of the Board of Supervisors. The applicant shall make necessary repairs to correct the defects as determined by the County at applicant's sole cost and expense.

**SECTION 4. *Amendment.*** The Pima County Code, Title 13, Chapter 20, Section 040(A) is hereby amended as follows:

**13.20.040 Connection to the public sanitary sewerage system.**

A. Application for New Service. An applicant wishing to connect a new structure to the public sanitary sewerage system shall submit plans to the Department showing the method and location of the proposed connection and the number and type of fixtures that will be in the structure. The Department shall review the plans and ~~either approve them, or~~ notify the applicant in writing of the approval of the submitted plans, or notify the applicant in writing of

modifications necessary for approval. Once the plans have been approved by the Department, the Department shall calculate the applicable sewer connection fees.

**SECTION 5. Amendment.** The Pima County Code, Title 13, Chapter 20, Section 045 is hereby amended as follows:

**13.20.045 Connection fees**

....

**B. Participating connection fee rates**

1. *Single-family residential property:* One Hundred ~~Seven~~Eighteen Dollars and ~~Sixty~~Eighty-two Cents per fixture unit equivalent.

2. *Multifamily residential property:* One Hundred ~~Eighteen~~Seventeen Dollars and ~~Sixty~~Eighty-two Cents per fixture unit equivalent.

3. *Commercial and industrial property:* One Hundred ~~Sixty-eight~~Fifty-three Dollars and ~~Seventy-six~~forty-two Cents per fixture unit equivalent.

**C. Nonparticipating Connection Fee Rates.**

1. *Single-family Residential Property:* One Hundred ~~Sixty-eight~~Fifty-three Dollars and ~~Seventy-six~~Forty-two Cents per fixture unit equivalent;

2. *Multifamily Residential Property:* One Hundred ~~Thirty-five~~Twenty-two Dollars and ~~Four~~Seventy-six Cents per fixture unit equivalent;

3. *Commercial and Industrial Property:* Three Hundred ~~Six~~Thirty-seven Dollars and ~~Sixty~~Ninety-one Cents per fixture unit equivalent.

....

**F. Prevailing Rate.** The connection fee charged is at the rate prevailing at the time of payment.

1. The rates and fees set forth in this Ordinance shall take effect 31 days after the effective date of the Ordinance with the first billing cycle after July 1, 2004.

**SECTION 6. Amendment.** The Pima County Code, Title 13, Chapter 20, Section 050(A) is hereby amended as follows:

**13.20.050 Credits and rebates**

A. Credits. The County may enter into a credit agreement with an applicant for sewer service for the additional construction costs incurred for the installation of either a public sanitary sewer facility of a size larger than would be required to collect or treat the waste from the area under development; or a facility in addition to the system required to serve the area under development. These additional costs are the difference in eligible construction and engineering costs between the base sewerage facility size required to serve the area under development and the sewerage facility size actually installed at the direction of the Department; The Department shall determine the base sewerage facility size for the area under development and the additional required sewerage facility size. The credits shall be applied as an offset to connection fees to be paid by the applicant. The credits shall not be in the form of a cash refund or rebate. The credits shall be usable for ten years from the execution of the agreement by the Board of Supervisors. The Board may designate a longer usable life for the credits for good cause. The agreement shall specify either that the credits are granted to the applicant for use on any property owned by the applicant within Pima County, except as otherwise specified or limited in the credit agreement, or that the credits are usable only within the area under development and are assignable to future owners. The credits awarded for such over-sizing shall not exceed the total connection fees to be collected from the area under development as set forth in Section 13.20.040.

**SECTION 7** *Precedence Over Inconsistent Agreements.* This Ordinance shall take precedence over any agreement between Pima County or its predecessors and a user which is inconsistent with this Ordinance.

**SECTION 8.** *Severability.* If any provision of this ordinance, or the application of any provision thereof is determined by a court of law to be invalid, the invalidity of that provision shall not affect other provisions or the application of this ordinance which can be given effect without the provision determined to be invalid, and to this end the provisions of this ordinance are severable.

**SECTION 9.** *County Officers and Employees.* The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 10. Effective Date. This ordinance shall become effective 31 days after its adoption.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA

PIMA COUNTY BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Chair

Dated: JUN 21 2005

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

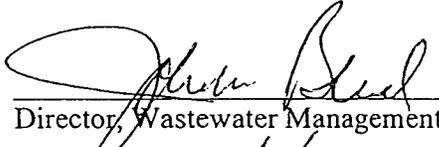
Dated: JUN 21 2005

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney

Dated: June 05, 2005

APPROVED AS TO CONTENT:

  
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Director, Wastewater Management Department

Dated: 6/8/05