ORDINANCE 2006 - 51

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, is hereby amended as follows:

Index:

The following section titles apply throughout the this chapter:

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13.20.035 Private sanitary sewerage conveyance systems.

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

13.20.020 Definitions.

The following definitions apply throughout this chapter:

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6. "Base sanitary sewerage facility size" means the minimum capacity sewage conveyance facility that is required to convey the predicted peak dry-weather wastewater flow from the area under development without exceeding a flow depth of 0.75 d/D (where d is the depth of flow and D is the diameter of the pipe) based on the Manning Equation using an "n" value of 0.013.

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30. "Off-site sanitary sewerage improvements" means all sanitary sewerage construction necessary to connect on-site facilities to an existing public sanitary sewerage system as required by the Department.

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42. "Rebate line" means a line constructed to provide service to an area under development which also provides at least fifty-one percent of its residual capacity to currently unsewered properties which did not participate in the cost of its construction.

43. "Residential" means a building or portion of a building designed to be used as a dwelling and that normally qualifies under US Postal Service Rules for an individual address. This dwelling may be a RV park model, mobile home, manufactured home, single family home, duplex, townhouse, condominium or apartment. RV and mobile home rental spaces are included along with structures housing normal ancillary uses commonly found on single-family lots such as pools and laundry rooms. Residential also includes, but is not limited to, schools (kindergarten through twelfth grade), dormitories (all schools), penal institution inmate cells and residence facilities, churches and houses of worship, public recreation facilities, and adult care facilities and nursing homes.

44. "Residual capacity" means the difference between the predicted peak dry-weather flow from the development constructing the facility and the theoretical flow in the facility at 0.75 d/D (where d is the depth of flow and D is the diameter of the pipe) based on the Manning Equation using an "n" value of 0.013.

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46. "Sanitary sewer" means a separate sanitary sewer (and not a combined sewer) for conveyance of sanitary sewage or industrial wastewaters, and into which there is no intentional admission of storm, surface or ground water, or of industrial wastes toxic to treatment processes unless authorized by the Department.

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48. "Standard Methods" means the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

49. "Strength" means the relative difficulty of treatment of wastewater, expressed in terms of chemical oxygen demand and suspended solids.

50. "Submission" means the complete presentation of the required documents and fees to the Department.

51. "Total solids" means the total solids content of wastewater which is all the matter that remains as residue from a sample upon evaporation at one hundred three degrees to one hundred five degrees Celsius according to the procedures in Standard Methods.

52. "Transfer" means the ability to use connection fee credits on any property owned by the credit holder in Pima County except as otherwise specified or limited in a credit agreement.

53. "Unit" means an element of property development, either dwelling, fixture or building, which can be identified as an individual entity for purposes of wastewater flow calculations and connection fee assessment.

54. "Wastewater" means sanitary sewage.

55. "Wastewater system" means the sanitary sewerage systems and wastewater treatment works of Pima County.

56. "Wastewater treatment facility" means any plant, disposal field, lagoon, pumping station, incinerator, or other works used to treat or stabilize sanitary sewage.

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SECTION 3. *Amendment.* The Pima County Code, Title 13, Chapter 20, Section 025 is hereby amended as follows:

13.20.025 Access to the public sanitary sewage conveyance system.

No person shall open or enter the public sanitary sewage conveyance system, or insert any object or dump any solid or liquid material into the public sanitary sewage conveyance system, or allow any object or any solid or liquid material to enter the public sanitary sewage conveyance system, except as authorized in advance by the Department in accordance with established Departmental directives. Swimming pool drainage and back wash waters may be discharged to the sewers as authorized by the Department.

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SECTION 4. *Amendment.* The Pima County Code, Title 13, Chapter 20, Section 026(B) is hereby amended as follows:

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

B. <u>Development Outside Currently Served Area</u>.

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2. *Basin Study.* The applicant may be required to prepare a basin study evaluating the potential flows and pipe sizes required to convey the anticipated flows from the proposed development and any upstream tributary areas. Over-sizing of pipes to accommodate anticipated flows from upstream tributary areas shall be documented in the basin study. The basin study will identify the proposed routing and pipe sizes required to convey the anticipated flows. The basin study will also evaluate the need for flow-through and any over-sizing and augmentation of the downstream collection and conveyance system.

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SECTION 5. *Amendment.* The Pima County Code, Title 13, Chapter 20, Section 030(D) is hereby amended as follows:

13.20.030 Construction or Modification of public sanitary sewerage facilities.

D. Permits for Construction.

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3. *Cease Construction Order.* When just cause exists, the Director, or an authorized representative, is empowered to issue a cease construction order for any project that has been issued a public sewerage facilities project construction permit or a Small Construction Activity Permit . A written cease construction order shall be addressed to the permittee, if any, and to the contractor's official responsible for the performance of the contractor. Delivery of a written cease construction order shall be accomplished by hand delivery, electronic delivery or by postal delivery and shall be effective upon receipt. The cease construction order, whether oral or written, shall state the reason for which the order is given. Upon receipt of a cease construction order, the permittee, if any, and the contractor shall stop work immediately and within three working days schedule a meeting with the Department to discuss remedies available to cure the reason for which the cease construction order was given and to effect a rescission of the cease construction order.

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SECTION 6. *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.

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3. *Conversion from Private On-Site System.* Whenever an applicant requests conversion of a structure from a private on-site sewage disposal system connection to a public sanitary sewerage system connection, the Department shall inspect the structure and document

the number, type and size of fixtures in order to assess the appropriate connection fees. The applicant shall supply the Department with any available plans in order to assist in the inspection process. If the structure has a commercial or industrial use, the applicant may be required to obtain an Industrial Wastewater Control Permit before being allowed to connect to the public sanitary sewerage system.

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SECTION 7. *Amendment.* The Pima County Code, Title 13, Chapter 20, Section 045 is hereby amended as follows:

13.20.45 Connection Fees.

A. Connection Fee Rates. Except as otherwise provided in this section, persons installing fixtures tributary to the public sanitary sewer system shall pay the following connection fee:

1. *Residential*:

a. From the effective date of the Ordinance to December 31, 2006, the residential connection fee will be $178.89 per fixture unit equivalent.

b. From January 1, 2007 to June 30, 2007, the residential connection fee will be $189.62 per fixture unit equivalent.

c. From July 1, 2007 to December 31, 2007, the residential connection fee will be $201.00 per fixture unit equivalent.

d. Beginning January 1, 2008, the residential connection fee will be $213.06 per fixture unit equivalent.

2. *Commercial and Industrial:*

a. From the effective date of the Ordinance to December 31, 2006, the commercial and industrial connection fee will be $357.86 per fixture unit equivalent.

b. From January 1, 2007 to June 30, 2007, the commercial and industrial connection fee will be $379.33 per fixture unit equivalent.

c. From July 1, 2007 to December 31, 2007, the commercial and industrial connection fee will be $402.09 per fixture unit equivalent.

d. Beginning January 1, 2008, the commercial and industrial connection fee will be $426.22 per fixture unit equivalent.

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B. Connection Fee Discount; Schedule of Values for Construction of Sewer improvements.

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2. Once the aggregate connection fee discounts received for an area under development exceed the net construction cost of the qualifying public sewer conveyance improvement constructed by a developer of the area under development, no further connections within the area under development shall receive connection fee discounts based on the construction of that qualifying public sewer improvement. Notice of this event need not be provided to the developer. For purposes of this subsection B, net construction cost shall mean the difference between the actual construction cost paid by a developer and any credits granted for the construction pursuant to 13.20.050(A).

3. The Department shall maintain a schedule of values for the construction of sewer improvements to the public sewerage system to be used in determining the cost of construction of qualifying public sewer improvements in connection with a parcel's eligibility for connection fee discounts. The Department may update the schedule of values once per year or as directed to do so by the County Administrator.

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E. Fixture Unit Equivalents.

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Table 13.20.045(E)(1)

Kind of Fixture	**Units**
Bathtub	2
Bidet	2
Clothes washer (first)	2
Clothes washer (second and subsequent at same location, each)	6
Dental unit or cuspidor	1
Dishwasher (commercial)	3
Drain, condensate (1-1/2" waste)	1
Drain, floor (2" waste)	2
Drain, floor (3" waste)	6
Drain, floor (4" waste)	8
Drinking fountain	1
Floor sink (receptor)	3

*Indirect waste receptor for refrigerator. coffee urn, waste station, etc. (2" waste)	3
*Indirect waste receptor for commercial sink, dishwasher etc. (3" waste)	6
Garbage disposal (commercial)	3
Shower, single stall	2
*Shower, gang, per shower head	1
Sink, (1-1/2" waste)	1
Sink (2" waste)	3
Sink, flushing rim, clinic	6
Sink, residential kitchen (with or without dishwasher or garbage disposal)	3
Sink, nail salon hand	1
Soft water loop drain	1
Urinal, pedestal or trough	6
Urinal, stall or wall (2" waste)	2
Urinal, waterless	1
Wash basin (lavatory)	1
Water closet, tank or flush valve	4

*NOTE: The size and discharge rating of each indirect waste receptor and each interceptor is based on the total rated discharge capacity of all fixtures, equipment or appliances discharging into it in accordance with Table 13.20.045(E)(2). The discharge rating for discharges greater than fifty gallons per minute shall be determined by the Department.

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F. Prevailing Rate. The connection fee charged shall be calculated using the rate prevailing at the time of payment, except when the Development Services Department has approved a Sewer Connection Fee Application within its computerized permitting system up to 30 days prior to the effective date of the new rate, and no changes have been made to the plans that change the number of fixture unit equivalents. In such situations, the older rate will be honored for a period not to exceed 60 days after the effective date of the new rate.

1. The connection right shall continue for the life of the structure, for the use originally permitted; however, if a conversion or change of use occurs which raises the rate to a higher cost classification, the difference in connection fees is due and immediately payable upon conversion or change of use. Conversions shall be reviewed for compliance with Industrial

Waste Ordinance requirements. Fixtures added to the structure shall be charged the rate prevailing at the time of issuance of a permit for the additional fixtures.

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H. Fixture Unit Equivalent Credits for Demolition and Conversion.

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3. Fixtures for which credits are claimed must be clearly documented on available Department records or in a manner acceptable to the Department.

4. Fixture unit equivalent credits may only be granted for fixtures that are clearly documented by Department records to have been paid for. If no record exists showing that connection fees were paid, no credit will be given unless there exists proof that at least five years of user fees have been paid for the subject fixture units. Fixture unit equivalent credits must be used within 5 years of the approval of the credit. Should the property be vacant at the time of request for credit, proof that the property (at one time) in the past 10 years paid user fees is condition of granting credits.

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J. Payment of Connection Fees.

1. The connection fee payment is due at the time of issuance of a plumbing or building permit. Fees are first applied to any unpaid fees owed by the applicant to the Department. The total fees due may be rounded to the nearest dollar.

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3. Interest charges shall be added to any unpaid connection fee and calculated at the rate of ten percent per year on the unpaid connection fee balance compounded daily. If the unpaid connection fee and any interest charges are not paid by the property owner within ten working days from the date of a notice of delinquency, the Director may add to the amount due any legal or collection costs incurred.

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SECTION 8. *Amendment.* The Pima County Code, Title 13, Chapter 20, Section 050(B) is hereby amended as follows:

13.20.050 Credits and rebates

B. Rebates for Collection or Conveyance System Improvements. In the event an applicant installs a public gravity sanitary sewer collection or conveyance system improvement, which provides at least fifty-one percent residual capacity for property other than the area under

development, an agreement for refund of the cost of the residual capacity may be made with the applicant. The refund shall be made until the full sum has been paid, or for a maximum of ten years from the date of the refund agreement, whichever shall first occur. The full sum paid shall not exceed the cost of the residual capacity less any connection fee discounts granted to the applicant pursuant to 13.20.045(B) for the construction of the residual capacity. In the event the full sum due the applicant has not been refunded within the ten-year period, any balance remaining shall be considered canceled and the County shall be fully discharged from any further obligation under the rebate agreement.

SECTION 9. *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 10. *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 by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this 11th **day of** July**, 2006.**

Ramón Valadez
Chairman, Pima County Board of Supervisors

ATTEST:

Lori Godoshian
Clerk of the Board

APPROVED AS TO FORM:

July 24, 2006
Deputy County Attorney

APPROVED AS TO CONTENT:

7/25/6
Director, Wastewater Management Department

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