

ORDINANCE 2002 _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO WASTEWATER; AMENDING PIMA COUNTY CODE, TITLE 13, CHAPTER 20, SANITARY SEWER CONNECTION FEES; REVISING SMALL CONSTRUCTION ACTIVITY PERMIT FEES; ADDING CRITERIA FOR PARTICIPATING RATE ELIGIBILITY; AMENDING CONNECTION FEE RATES.

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:

Chapter 13.20

SANITARY SEWER CONSTRUCTION, CONNECTIONS AND FEES

Sections:

- 13.20.010 Purpose**
- 13.20.020 Definitions**
- 13.20.025 Access to the public sanitary sewage conveyance system**
- 13.20.030 Construction of public sanitary sewerage facilities**
- 13.20.040 Connection to the public sanitary sewerage system**
- 13.20.050 Credits and rebates**

13.20.010 Purpose.

The purpose of this chapter is to regulate connections to the Pima County public sanitary sewerage system by any applicant for sanitary sewage service by establishing procedures for construction of public gravity sanitary sewer lines by an applicant, the construction and/or implementation of wastewater pumping systems by an applicant, connection to the public sanitary sewerage system, fees and charges, credits and rebates, and payment of delinquent accounts.

13.20.020 Definitions.

The following definitions shall apply throughout this chapter:

1. “Applicant” means the owner or a representative of the owner of the property or unit requesting connection to the public sanitary sewerage system of Pima County.
2. “Approved” or “approval” means approved or approval in writing.
3. “Area under development” means the property for which sanitary sewerage service is requested by the applicant.
4. “Assignment” means the conveyance of sanitary sewer connection fee credits by the credit-holder to a subsequent purchaser of all or any part of the area under development specified in the credit agreement.
5. “Augmentation” means the construction of public sanitary sewerage facilities adjacent to or in replacement of existing public sanitary sewerage facilities for the purpose of increasing the capacity of the public system.
6. “Base sanitary sewerage facility size” means the minimum capacity sewage conveyance facility which is required to convey the predicted peak wet-weather wastewater flow from the area under development.
7. “Building connection sewer.” See Private sanitary sewage conveyance system.(See Section 13.20.030(F)).
8. “Ccf” means one hundred cubic feet of flow or approximately seven hundred forty-eight gallons.
9. “Chemical oxygen demand (COD)” means the chemically oxidizable material in wastewater as represented by the reduction of dichromate ion, measured according to the procedures in Standard Methods.
10. “Combined sewer” means a sewer for the conveyance of both wastewater and storm flow or surface water. Combined sewers are not authorized in Pima County.
11. “Commercial/industrial” means a property zoned or used for recognized commercial or industrial uses. Commercial/industrial uses include, but are not limited to, restaurants, bars, laundromats, offices, in-home businesses with restroom facilities provided primarily for customer use, service stations, barber shops, beauty salons, hospitals, all schools except kindergarten through twelfth grade, all portions of penal institutions except inmate cells and residence facilities, utilities, car washes, medical and dental laboratories, pet clinics, bakeries, industries, manufacturing, machinery and meat packing.

12. "Connection fee" means the fee paid to Pima County for permission to connect to the public sanitary sewerage system, as set forth in Section 13.20.040.

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

14. "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 public sanitary sewerage facilities.

15. "Department" means Pima County Wastewater Management Department.

16. "Development" means one or more properties in common ownership.

17. "Director" means the Director of the Pima County Wastewater Management Department.

18. "Disposal systems" means a device or system for the treatment or disposal of sanitary sewage, either by surface or underground methods, and includes the associated sewage plumbing systems, treatment works, disposal wells and other systems.

19. "Fixture unit" means a unit of measure which expresses the potential loading on the public sanitary sewerage system of different kinds and sizes of plumbing fixtures.

20. "Flow-through reach of sanitary sewer" means that part of a sanitary sewer that is located within a development, extends through to the upstream boundary of the development and terminates at a standard manhole.

21. "House connection sewer" see Private sanitary sewage conveyance system.(See Section 13.20.030(F)).

22. "Individual disposal system" means a privately owned and maintained device or system for the treatment or disposal of sewage from a single housing or business unit.

23. "Model plan" means a standard set of construction drawings for buildings which builders may use on several lots within a development.

24. "Mg/l" means milligrams per liter, a weight-to-volume relationship; for dilute aqueous solutions, the milligrams per liter relationship is closely equivalent to parts-per-million.

25. "Multifamily residence" means a residential complex in common ownership designed for use by more than one family unit, including apartments, mobile home or manufactured home rental complexes, schools (kindergarten through twelfth grade),dormitories (all schools), penal

institution inmate cells and residence facilities, churches, gymnasiums, adult-care facilities, nursing homes, townhouses, multiplexes and condominium complexes with shared building connection sewers excepting commercial/industrial components thereof, and security or caretaker residence of a development or of a single-family residence property, if located in a separate structure and served by a common building connection sewer. For other establishments or portions of establishments which provide overnight accommodations, those that provide private bathroom facilities with access only from the individual guest rooms shall be considered to be included in this category for purposes of fee determination, and those establishments or portions of establishments which do not fit this criteria shall be considered to be commercial for purposes of fee determination.

26. “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.

27. “On-site sanitary sewerage improvements” means all sewerage system facilities within the area under development.

28. “Over-sizing” means the increase in size of a public sanitary sewerage facility which is required to serve property not owned by the applicant.

29. “Owner” includes one possessing an option to purchase.

30. “Private low pressure sewer system” means a complex form of a private sanitary sewage conveyance system that typically serves several properties; each property operates its own private wastewater pumping system that pumps to a common pressure sewer that, in turn, conveys the wastewater to the public sanitary sewage conveyance system.

31. “Private sanitary sewage conveyance system” means a sewer connecting a residence or other building to the public sanitary sewer system. The term includes house connection sewer (HCS), building connection sewer, private wastewater pumping system, and private low pressure sewer system.(See Section 13.20.030 (F)).

32. “Private wastewater pumping system” means a pump and pressure sewer system built to pump wastewater from one or more private properties to the public sanitary sewage conveyance system.

33. “Property” means a contiguous parcel of land either in common ownership or as identified by a single county tax code number.

34. “Public sanitary sewage conveyance system” means those parts of the public sanitary sewerage system that convey sanitary sewage from the points of connection of any private sanitary sewage conveyance system to the public wastewater treatment and disposal facilities.

35. “Public sanitary sewerage system” means the system owned by Pima County including all gravity sanitary sewer mains; wastewater pumping systems; treatment and disposal facilities; and all appurtenances required to collect, transport, treat, store, reclaim, discharge or recharge the liquid and solid phases of wastewater.

36. “Rebate” means the repayment to an applicant by Pima County of the cost of a public sewer facility installed by the applicant. The repayment shall be funded from nonparticipating rate connection fees paid by other developments which connect to the rebate-eligible facility.

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

38. “Residual capacity” means the remaining capacity in a sanitary sewerage conveyance facility after the predicted peak wet-weather flow from the development constructing the facility has been subtracted from the theoretical full-flow capacity of the facility.

39. “Sanitary sewage” means the wastes from toilets, baths, sinks, lavatories, laundries, drains, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes and other places of human habitation, employment or recreation.

40. “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, ground, swimming pool drainage and backwash waters, or industrial wastes toxic to treatment processes, unless authorized by the Department.

41. “Sewerage facilities” and “sewerage systems” means both sanitary sewage conveyance and treatment facilities and the associated appurtenant systems.

42. “Single-family residence” means a building, with or without the usual accessory buildings, designed to be used as a home and shall be the only dwelling located on a parcel of ground. This single residential dwelling may be a mobile or manufactured home, or a townhouse unit or multiplex unit with its own separate building connection sewer.

43. “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.

44. “Submission” means the complete presentation of the required documents and fees to the Department.

45. “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.

46. “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.

47. “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.

48. “Wastewater” means sanitary sewage.

49. “Wastewater system” means the sanitary sewerage systems and wastewater treatment works of Pima County.

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

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.

13.20.030 Construction of public sanitary sewerage facilities.

A. Construction of Public Facilities. 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. 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 viable; 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 vehicle access may be allowed on a case-by-case basis only if no alternative alignment is deemed viable

by the Department. In such instances, surface improvements sufficient to accommodate year round vehicular maintenance access and turning radii shall be required.

B. Modification of Existing Public Facilities.

1. The Department may grant permission for an applicant to modify existing public sanitary sewage facilities. The applicant shall prepare and submit plans and specifications to the Department for review and approval, and pay the requisite review fees in accordance with Pima County Board of Supervisors Ordinance 1997-46 (as amended). When the plans have been approved by the Department, the applicant shall, prior to commencement of construction, pay the applicable construction inspection and permit fees in accordance with Section 13.20.030 (C)(1) (f). The Department may require the applicant to modify the design of the project in order to provide unrestricted 24-hour maintenance vehicle access to public sewer manholes, cleanouts and other system structures.

2. Plans shall be valid for one year after approval. The fees for the review of expired plans shall be the fees prevailing at the time of the resubmittal.

3. No fee shall be refunded. All plans that are not complete, including fee payment at the time of submission, shall be rejected.

C. Permits for Construction.

1. Public Sewerage Facilities Project Construction Permits. Prior to constructing or contracting for the construction or installation of a gravity sanitary sewer, wastewater pumping system, sanitary sewer system extension or wastewater treatment facility, in whole or in part, the applicant shall obtain a Project Construction Permit from the Department. At least three working days prior to commencement of construction, the applicant's contractor shall attend a preconstruction conference with staff of the wastewater management field engineering office. Failure to do so may result in the rejection of any public sewerage facilities constructed prior to the time that the preconstruction conference is held. The field engineering office may require the applicant's contractor to submit a construction schedule at the time of the preconstruction conference. If the contractor subsequently modifies the construction schedule or delays the work in excess of two weeks without prior notification to the field engineering office, the construction permit may be terminated by specific notice to the local offices of the applicant's contractor. If the construction permit has been terminated or if the construction for which the permit is issued is not completed within the approved period of time, the applicant shall renew the construction permit for an additional period of time and shall pay a renewal fee, as provided in Section 13.20.030(C)(1)(f). The public sewerage facilities project construction permit shall not be issued until the following requirements have been met:

a. Approval of the project concept, which may include location, alignment, maintenance accessibility, necessity, capacity, conditions of hydraulic flow, mitigation of odors, points and methods of connection and other significant factors, has been issued by the

Department or its delegated representative. The approval of the project concept for projects involving more than one hundred forty-four fixture units of capacity requirement potential may be incorporated in a sewer service agreement entered into between the applicant or owner of record and the county;

b. Acceptance by the Department, or its delegated representative, that the plans and specifications for the proposed construction or installation, signed by a licensed professional engineer, are in compliance with Department standards and specifications as well as the general and specific Department conditions for the project;

c. Submission of letter of application and affirmation of cost for review and approval by the Department;

d. Submission of copies of itemized bids signed by the contractor and by the applicant;

e. Submission of evidence that all required easements, whether permanent or temporary (for the purposes of construction), have been approved and recorded;

f. Payment of project construction permit fees, which shall be two and one-half percent of the affirmed contract price for construction of the sanitary sewerage facilities and an administrative fee of \$25.00. Renewal of an expired Project Construction Permit shall require payment of an additional inspection fee which shall be one percent of the affirmed contract price of the construction;

g. Submission of an "approval to construct" for the project from the Arizona Department of Environmental Quality or its delegated representative; and

h. Consummation of the operation and maintenance agreement for special facilities as required by Section 13.24.035.

2. Small Construction Activity Permits. Except as provided in Section 13.20.030 (C)(2)(a), the applicant shall obtain a Small Construction Activity Permit, with an approved period of construction stated thereon, before commencing or contracting for the construction or installation of a new public manhole, or for tapping a public manhole or a public gravity sanitary sewer. Small Construction Activity Permits shall be issued for a specified period of time based on the applicant's statement of when the connection construction activity will be accomplished. The permit shall provide the telephone number of the county agency responsible for the inspection of the small construction activities, and a copy of the permit shall be sent to the county agency responsible for such inspection. It shall be the applicant's responsibility to contact the inspecting agency to determine at what stage of construction the inspections are required. Should the applicant fail to complete the work within the approved time on the initial permit, the permit shall expire and a renewal of the permit shall be required. The applicant shall obtain a first renewal of the permit at no cost. Should the applicant fail to complete the work within the approved time on the first renewal permit, the first renewal permit shall expire and a second renewal of the permit shall be required at the applicant's additional cost as shown in the following table. Subsequent renewals shall also be at the applicant's additional cost as indicated in the table.

a. A Small Construction Activity Permit shall be required for tapping a public gravity sanitary sewer when the local jurisdiction that issues the building permit does not inspect the physical connection of the HCS to the public gravity sanitary sewer for the Department.

b. Small Construction Activity Permit Fees.

Construction Activity	First Construction Activity Permit	First Renewal Permit	Each Added Renewal Permit
HCS tap or stub out into public sanitary sewer of 12- inch or less diameter	\$100.00	\$0.00	\$50.00
Large sanitary sewer tap requires special approval	\$150.00	\$0.00	\$75.00
Existing manhole tap	\$150.00	\$0.00	\$ 75.00
New manhole over existing sewer; no corrosion protection	\$200.00	\$0.00	\$100.00
New manhole over existing sewer, with corrosion protection	\$300.00	\$0.00	\$150.00

Payment of any Small Construction Activity Permit fee does not relieve the applicant from paying sewer connection fees pursuant to Section 13.20.040.

c. The Small Construction Activity Permit shall not be issued until the following requirements have been met:

i) Approval of the construction concept by the Department or its delegated representative. Consideration may be given to location, alignment, maintenance accessibility, necessity, capacity, conditions of hydraulic flow, mitigation of odors, points and methods of connection and other significant factors;

ii) Submission of evidence that all necessary easements, whether permanent or temporary, for the purposes of construction, have been approved and recorded; and

iii) Payment of the applicable Small Construction Activity Permit fee.

3. Discharges Prohibited Prior to Completion of Acceptance Testing. The discharge of sanitary sewage to a new sewage conveyance facility before acceptance testing of the facility is complete is prohibited. An applicant or an applicant’s contractor that allows the discharge of sanitary sewage to a new sewage conveyance facility prior to completion of acceptance testing shall clean the affected length of the conveyance facility and restore the interior of the conveyance facility to a like-new condition.

4. 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's forces. Delivery of a written cease construction order shall be accomplished by hand 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 and at the earliest possible date 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.

a. A cease construction order may be an oral order given to the contractor's senior on-site representative when required to protect the life, health or safety of any person or the state of the environment, or to prevent the introduction of unallowable (in type and/or quantity) foreign material into an active public sanitary sewage conveyance facility to the detriment of the public sanitary sewerage system or its ability to convey or treat sanitary sewage, or to prevent the immediate introduction of any surface water into an active public sanitary sewage conveyance facility, or to prevent damage to existing public sanitary sewage conveyance system facilities from construction activities. An oral cease construction order shall be effective when given, and shall be ratified by a written cease construction order delivered within twenty-four hours by hand delivery or by postal delivery to the permittee or project owner, and to the contractor.

b. The Director, or an authorized representative, may issue a written cease construction order when required to stop an ongoing and serious disregard of the construction contract documents (as approved by the Department) and after successive oral or written notifications to the permittee or the permittee's on-site representative or to the contractor or the contractor's on-site representative that the construction contract documents, as approved by the Department, are being disregarded.

c. Failure of a permittee or of a contractor to cease construction immediately upon receipt of a cease construction order may result, at the discretion of the Director, in the revocation of the project construction permit.

D. "As-built" Construction Drawings. "As-built" construction drawings for all public sanitary sewer construction, whether for new conveyance system facilities or for the repair, replacement, or rehabilitation of existing conveyance system facilities, shall show the Arizona State Plane Geophysical Positioning System (GPS) coordinates for each structural facility constructed. The basis for the GPS horizontal coordinates shall be relative to the North American Datum of 1983 (NAD 83), in international feet; vertical coordinates shall be relative to the North American Vertical Datum 1988 (NAVD 88) reduced to orthometric heights; and shall use the grid system monuments established by the Pima County Department of Transportation. The GPS coordinates for each conveyance system facility shall include the X-, Y-, and Z-coordinates of the channel invert on gravity-flow conveyance systems; the X-, Y-, and Z-coordinates for the center of the access cover; and the X-, Y- and Z-coordinates for the center of each structure, all points of directional change in the horizontal alignment of pressure mains, and air injection and air release connection points.

E. 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 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.

F. Private Sanitary Sewage Conveyance Systems.

1. The owner, or an authorized homeowners' association, shall be responsible for the maintenance, operation and repair or replacement of a private gravity or pressure sewage conveyance system. This responsibility extends from the point of physical connection to the public sanitary sewage conveyance main in the adjacent street, alley or easement to and including the plumbing fixtures within the connected building.

2. A building connection permit shall not be issued for any building in a multiple unit subdivision or development that incorporates a private wastewater pumping system, as part of a private sanitary sewage conveyance system, until:

a. The private wastewater pumping system has received final inspection and has been approved by the appropriate regulatory agency;

b. A homeowner's association has been duly formed and is a matter of public record; and

c. The homeowner's association has either directly employed or has contracted for the services of a trained wastewater pumping system operator that has a valid state of Arizona certification to operate the private wastewater pumping system. The building connection permits shall be conditioned on the continued employment or contract for the services of the certified operator to operate and maintain the private sewage conveyance system.

3. The person responsible for the construction of a private sanitary sewage conveyance system that includes manhole or cleanout structures shall install covers with the words “private sanitary sewer” cast into the metal.

4. A property owner shall be responsible for funding and expeditiously taking all actions necessary to correct all private sanitary sewage conveyance system occurrences that result in sanitary sewer overflow problems, exfiltration of wastewater, or cause non-wastewater infiltration or inflow to the public sanitary sewerage system.

13.20.040 Connection to the public sanitary sewerage system.

A. Application--Payment of Fees. At the time of application for building or plumbing permits from any jurisdiction served by this Department, or, if no such permit is required, prior to connection to the public sanitary sewerage system, the applicant shall submit plans to the Department showing the location and method of connection to the public sanitary sewerage system and the number and type of fixtures to be connected. The Department shall review and approve the method of connection and shall determine the applicable sewer connection fees for the project.

1. Payment of the sewer connection fee is a condition of service to the property. Sewer connection fees shall be paid prior to issuance of any plumbing or building permit. No temporary or final occupancy permits shall be issued until connection fees are paid for the units to be occupied. The applicant shall be responsible for the payment of the connection fees. The Department may refuse to provide further services to the property if connection fees have not been paid.

2. Where no connection fee was paid at the time of physical connection, continuing service is conditioned upon:

a. If the owner at the time of connection is the present owner, payment of the fee due at the time of connection plus interest pursuant to Section 13.20.040 (M); or

b. If the present owner is different from the owner at the time of connection, payment by the present owner of a connection fee at the current rate.

3. Before connecting an existing commercial or industrial structure served by a private on-site disposal system, where plans are not available, the necessary inspections shall be made to determine the need for an industrial waste control permit, and the number, type and size of existing fixtures to be connected to the public sanitary sewerage system. Before connecting an existing residential dwelling unit served by a private on-site disposal system, where plans are not available, an inspection may be made at the discretion of the Department.

4. Before connecting a private sanitary sewage pumping facility and its appurtenances to the public sanitary sewage conveyance system, the owner of the private pumping facility or private low pressure sewer system shall submit an application for an industrial waste control permit for the pumping facility or low pressure sewer system to the Department so that the need for an industrial waste control permit can be determined. The findings and requirements resulting from the permit review process shall be provided to the owner at the time of application to connect to the public sanitary sewerage conveyance system. The Department may require the owner to institute measures to control the delivery of deleterious liquid waste by the proposed private wastewater pumping system or private low pressure sewer system to the public sanitary sewerage system. An application for an industrial waste control permit will not be required when the private wastewater pumping system or private low pressure sewer system will serve just one single-family residence or one duplex residence; however, measures to prevent the formation of hydrogen sulfide, that have been approved by the Department, shall be incorporated into the private system.

5. The property owner, developer, or homeowner's association that installs a private sanitary sewage pumping facility or low pressure sewer system to convey sewage from the buildings to a gravity sewer, whether public or private, shall:

a. Incorporate measures, that are approved by the Department, into the private sanitary sewage pumping facility to inhibit the formation of noxious chemical compounds; and

b. Assure that the equipment used to inhibit the formation of noxious chemical compounds is properly operated and maintained and safely prevents the formation of noxious chemical compounds or the release of noxious chemical compounds to the environment or to the public sanitary sewage conveyance system.

6. In lieu of payment of individual sewer connection fees, an area under development served by a private independent sanitary sewerage system may be connected at the discretion of the Director upon payment of an appropriate system transfer fee.

7. Where the property to be connected to the public sanitary sewerage system is owned or operated by Pima County or a Pima County special taxing district, the Director may enter into a written agreement for the periodic payment of the connection fees. Interest shall be at a rate of interest on an annualized basis comparable to the rate of interest that would be received if such funds had been invested in the local government investment pool managed by the Treasurer of the State of Arizona.

B. Participating Rate Connection Fee Standards. Only units directly tributary to the qualifying public sanitary sewer improvements listed below that are being or have been constructed by the applicant or a previous owner of the property shall qualify for the participating rate sewer connection fee. All other property units shall be assessed nonparticipating connection fee rates. The participating rate connection fee status shall run with the property and may not be transferred to another property. Property to be qualified for participating rate connection fee status shall be clearly identified on the sanitary sewage conveyance system facility construction plans when they are presented for review. The Department may apply the actual classification of the participating or non-participating fee rates on an individual drainage basin basis within the overall development at the time of construction plan review, rezoning request review, tentative plat review, or final plat approval. A public off-site pressure sewer receiving flow from a wastewater pumping station does not qualify as a public off-site gravity-flow sanitary sewer. Qualifying public sanitary sewer improvements are:

1. A new public off-site gravity-flow sanitary sewer extending more than four hundred feet from the most down-gradient portion of the area under development containing the unit;

2. An existing public gravity-flow sewage conveyance facility augmented at a cost equal to or greater than the cost of installing the qualifying length, as defined in subsection B1 of this section, of new public sanitary sewer of a size sufficient to serve the area under development; and

3. A new public gravity-flow sanitary sewage conveyance system of a length equal to or greater than the qualifying length, as defined in subsection B1 of this section, which qualifies for a rebate or credit.

4. A new public gravity-flow sanitary sewage conveyance system of a length equal to or greater than the qualifying length, as defined in subsection B1 of this section, which replaces an inaccessible sewer (such as in a wash) with a fully accessible sewer when requested to do so by Wastewater Management.

C. Participating Connection Fee Rates.

1. Single-family residential property: Seventy-two Dollars and Forty Cents per fixture unit;
2. Multifamily residential property: Seventy-two Dollars and Forty Cents per fixture unit;
3. Commercial and industrial property: One Hundred Twenty-nine Dollars and Twenty-three Cents per fixture unit.

D. Nonparticipating Connection Fee Rates.

1. Single-family residential property: One Hundred Twenty-nine Dollars and Twenty-three Cents per fixture unit;
2. Multifamily residential property: One Hundred Three Dollars and Forty Cents per fixture unit;
3. Commercial and industrial property: Two Hundred Fifty-eight Dollars and Fifty-two Cents per fixture unit.

E. Special Facilities. If the property necessitates the construction of special facilities, the Department may require the applicant to provide these special facilities at its own expense. The cost to the applicant to provide any special facilities shall be in addition to connection fees established for the property, and the cost to operate the special facilities may be subject to special operating fees in accordance with Section 13.24.035.

F. Fixture Unit Equivalents.

1. The unit equivalents for plumbing fixtures and devices shown in Table 13.20.040(F)(1) are derived from Chapter 7 of the Uniform Plumbing Code.
2. The unit equivalent of fixtures and devices not shown in Table 13.20.040(F)(1) shall be based on the rated peak discharge capacity in gallons per minute (gpm) in accordance with Table 13.20.040(F)(2).
3. Trench drains shall be rated as a floor drain according to the trap size to which they are connected without regard to the physical length of the floor drain channel.

4. RV and mobile home park spaces served by a 3" HCS shall be rated at 11 fixture units.

5. RV and mobile home park spaces served by a 4" HCS shall be rated at 18 fixture units.

Table 13.20.040(F)(1)

Kind of Fixture	Units
Bathtubs	2
Bidets	2
Clothes washers	2
Clothes washers (3 or more)	6
Dental units or cuspidors	1
Dishwasher (commercial)	3
Drain, condensate	1
Drain, floor (2" min. waste)	2
Drain, floor (3" min. waste)	6
Drain, floor (4" min. waste)	8
Drinking fountain	1
Floor sinks (receptors)	
*Indirect waste receptors for refrigerators, coffee urn, waste stations, etc. (2" min. waste)	3
*Indirect waste receptors for commercial sinks, dishwashers, etc. (3" min. waste)	6
Garbage disposal (commercial)	3
Garbage disposal (residential)	1
Laundry tubs	2
Showers, single stalls	2
*Showers, gang, per shower head	1
Sinks, bar, residential (1-1/2" min. waste)	1
Sinks, bar, commercial (2" min. waste)	2
Sinks, commercial or industrial, schools, etc. including dishwashers, wash up sinks and wash fountains (2" min. waste)	3
Sinks, flushing rim, clinic	6
Sinks with or without dishwashers (residential)(2" min. waste)	2
Sinks with garbage disposals (residential) (2" min. waste)	3

Sinks, service	3
Urinals, pedestal or trough	6
Urinals, stall	2
Urinals, wall (2" min. waste)	2
Urinals, waterless	1
Wash basins (lavatories) single, each	1
Water closet, tank type	5
Water closet, flush valve type	5

*NOTE: The size and discharge rating of each indirect waste receptor and each interceptor shall be based on the total rated discharge capacity of all fixtures, equipment or appliances discharging into it in accordance with Table 13.20.040(F)(2). The discharge rating for discharges greater than fifty gallons per minute shall be determined by the Department.

Table 13.20.040(F)(2)
Discharge Capacity (in Gals. Per Min.)
For Intermittent Flow Only

Up to 7 ½	equals	1 unit
8 to 15	equals	2 units
16 to 30	equals	4 units
31 to 50	equals	6 units

5. Fixture units for model plans shall be calculated for the maximum number of fixtures shown when there are options available. The applicant must specify in writing at the time of connection permit application, and payment of connection fees, that some options are not included for that specific lot and that lesser connection fees are appropriate. If the applicant does not so specify in writing at the time the connection permit application is completed, the full connection fees for that model plan shall be calculated, and shall be immediately due and payable.

G. High-Strength and/or High-Volume Commercial and Industrial Connections. The Department shall evaluate the effect on the conveyance and treatment systems caused by each new commercial establishment connection having any of the following characteristics: (1) flows greater than one thousand Ccf/month, (2) total solids greater than one thousand two hundred mg/l, or (3) chemical oxygen demand greater than one thousand mg/l. An individual fixture unit rate shall be set by the Department for each such user.

H. Prevailing Rate. The connection fee charged shall be the rate prevailing at the time of payment. Exception: in the event that the application for building or plumbing permit or plan submission made pursuant to Section 13.20.040(A) occurred within sixty calendar days prior to the effective date of the amendment, and the payment is made within thirty calendar days following the effective date of the amendment, the connection fee charged shall be at the rate

prevailing at the time of the permit application or plan submission. The connection right shall continue for the life of the structure. Fixtures added to the structure shall be charged the rate prevailing at the time of issuance of a permit for the additional fixtures.

I. Prepaid Connection Fees. Prepaid connection fees shall be deducted from the prevailing rate fee calculation.

J. Fixture Unit Credits for Demolition and Conversion.

1. Fixture unit credits shall be granted for legally connected and documented fixtures:

a. Upgraded or replaced in an existing structure; or

b. Removed when a structure is razed; or

c. Converted when a structure is changed from a residential to a commercial/industrial use or from a commercial/industrial to a residential use; or

d. Converted from a residential to a commercial/industrial use.

2. Fixture unit credits may be used in lieu of connection fees only in a structure or tenant space at the same street address as the structure or tenant space for which credits were granted.

3. Fixtures for which credits are claimed shall be clearly documented on available County records or in a manner acceptable to the Department. Connections made prior to 1979 may be verified by a positive dye test and by field inspection.

4. Fixture unit credits shall be used within five years of the time the fixtures or structures are demolished. Fixture unit credits for the property shall not be allowed if user fees have not been paid for the property within the preceding five years.

5. If there is a conversion from residential to commercial/industrial, credits shall be awarded at one commercial/industrial fixture unit per two residential fixture units. If there is a conversion from commercial/industrial to residential, credits shall be awarded at two residential fixture units per one commercial/industrial unit.

6. A new sanitary sewer connection permit shall be required for a conversion between residential uses and commercial or industrial uses.

7. Applicants for commercial property demolition or conversion fixture unit credits shall submit appropriate demolition or conversion drawings at the time of permit application.

K. Connection Fee Surcharge. The Board of Supervisors may, by resolution, institute a connection fee surcharge for a specific area to recover the costs of required facilities in that area.

L. Temporary Connections. The Director may authorize, in writing, issuance of a permit for a unit to be temporarily connected to a nearby sewer. All permits issued and installations made

pursuant to this section shall be on a temporary basis only, and shall be subject to the following terms and conditions:

1. An applicant for sewer service for a period not to exceed two years may be issued a temporary permit. The permit may not be renewed. The prevailing connection fee rate shall be charged the applicant for this permit. The connection fees paid may be credited against the sewer connection fees for a permanent connection replacing the temporary connection within the two-year period. If a permanent connection is not achieved within the two-year time period, the temporary connection permit shall expire, the physical connection shall be eliminated, and the connection fees shall not be returned.

2. An applicant for sewer service for a period not to exceed thirty calendar days may be issued a thirty-day temporary permit. The applicant may apply to the public services counter of the Wastewater Management Department on the 5th floor of the City/County Public Works Building, 201 North Stone Avenue, for a thirty-day temporary sewer connection permit.

3. The cost of a thirty-day temporary permit shall be \$25 per 24-hour day (or any part thereof) for the term of the temporary permit, and either:

a. \$100 per permit when the connection is to the public sanitary sewerage system at a public manhole or cleanout; or

b. \$50 per permit when the connection is to a private building connection sewer draining to the public sanitary sewerage system.

M. Delinquency.

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

2. If no building or plumbing permit is issued, the connection fee is due prior to the physical connection to the system or upon receipt of the Department's notification to the property owner that a discovery reveals that the property improvements were connected to the public sanitary sewerage system without payment for the properly required permits.

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. 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.

N. Connection Fee Refunds. Upon written application to the Department, a connection fee may be refunded if the physical connection for which the fee was paid has not been made. Connection fee refunds shall not be processed for payment for sixty days following receipt of the application for the refund to give the Department the opportunity to verify the facts associated with the original connection fee application and the refund application. An administrative fee of One Hundred Twenty-five Dollars shall be assessed for each connection fee refund authorized.

The Director shall have the authority to waive the payment of a refund administrative fee or to direct early payment of a connection fee refund in situations involving a structural addition to or the remodeling of an existing owner-occupied single-family residence where, for reasons beyond the owner's control, the owner is not able to construct the addition to or start the remodeling of the residence.

O. Determination of House Connection Sewer Stub-Out Location. After a property owner has applied and exhausted all means and methods to locate a building connection sewer by excavation techniques, then upon application to the Department and upon payment of a nonrefundable two hundred fifty-dollar stub-out locating fee, the Department shall apply closed circuit television techniques to determine the location of all house connection sewer stub-outs that might exist at the main line of the public sanitary sewage conveyance facility that could serve the property identified on the application. Should the application identify multiple adjacent and contiguous properties for which more than one house connection sewer stub-out is sought, the nonrefundable stub-out locating fee shall be increased by fifty dollars for each additional property over the first property to be served. Identification of the property to be served shall be by legal description (i.e., lot and block) and by street address for each property. If one or more stub-outs are located that would serve the property, the Department shall mark the ground surface location of all stub-outs using marking paint, or some other appropriate means, and shall notify the applicant by first-class mail of the locations that were found. Neither the owners of the properties nor their contractors shall access the public sanitary sewage conveyance system for the purpose of determining the locations of house connection sewer stub-outs.

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. 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.

B. Rebates. In the event an applicant installs a public sanitary sewer system, 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. 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 agreement.

SECTION 2. *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 3. *Conflicting Provisions.* If any other provision of the Pima County Code conflicts with the provisions of this ordinance, the more restrictive provisions shall apply.

SECTION 4. *Severability.* If any provisions of this ordinance, or the application thereof to any person or circumstance, is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or circumstance, and to this end the provisions of this ordinance are severable.

SECTION 5. *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 6. *Effective Date.* This ordinance shall become effective 31 days after its adoption.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY,
ARIZONA, THIS _____ DAY OF _____, 2002

ATTEST:

BOARD OF SUPERVISORS:

Lori Godoshian,
Clerk of the Board

Chair, Pima County Board of Supervisors

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Deputy County Attorney

Director, Wastewater Management