

**SEWER USE ORDINANCE
&
USER FEE SCHEDULE
FOR
BUCKSKIN SANITARY DISTRICT**

May , 2002

OWNER:

Buckskin Sanitary District
8832 Riverside Drive, Ste. #4
Parker, AZ 85344

RESOLUTION NO.# 02-XXXXX
BUCKSKIN SANITARY DISTRICT

RESOLUTION ADOPTING RULES AND REGULATIONS

WHEREAS, the Buckskin Sanitary District has previously adopted various rules and regulations governing the use of its sewers and connections thereto; and

WHEREAS, the District desires that all the rules and regulations be collected and codified on one Resolution (hereinafter the BSD Sanitary Code);

THEREFORE, BE IT RESOLVED THAT the District adopts the following Buckskin Sanitary District Sanitary Code, also entitled "*Sewer Use Ordinance & User Fee Schedule*", governing the use of its sewers and connections thereto:

ARTICLE I DEFINITIONS

The following definitions shall apply unless expressly defined otherwise:

1. "Adjacent" - a parcel of property shall be deemed adjacent to a sanitary sewer line when any portion of the easement or public way containing the sanitary sewer is coterminous with the parcel or any extension of the parcel reacted by an easement for utilities or a roadway easement.
2. Allowable Base Density - 2.2 EDU's per acre.
3. "Annexation Fee" - a fee charged for annexation of real property to the District.
4. "Applicable Fees" - those fees which according to this resolution must be paid as a condition for the issuance of any permit, license, permission, approval, or the conduct of any inspection, plan review or other activity by the District, all as set forth in this BSD Sanitary Code; the amount of such fees being set forth in Exhibit A attached hereto.
5. "Assessment Area" - any of the Assessment Areas which may be part of an improvement district within the Buckskin Sanitary District.
6. "Block" means a parcel of land, whether regular or irregular, which is bounded by streets, or by one or more streets and by one or more boundary lines of the Buckskin Sanitary District.
7. "B.O.D. " denoting biochemical oxygen demand, - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty (20) degrees centigrade expressed in parts per million (P.P.M.) in weight.
8. "Board" - the Board of Directors of the Buckskin Sanitary District.
9. "Capacity Fee" - a fee charged to developments with a density greater than 2.2 E.D.U.'s per acre. As further defined in Article V Section 2.
10. "Clerk" means a member of the board or such other person as may be designated by the board to function as a clerk for purposes of this article.
11. "Connection Fee" - the initial sewer connection charge as set forth in this Resolution and shall apply to all sewer connections to the public sewer after the effective date of this code, except for those parcels assessed for sewer construction as part of an Improvement District or Assessment Area.

12. "Contractor" means a contractor or a personal representative or assignee of a contractor whom is licensed and bonded in the State of Arizona to perform work as provided.
13. "Development Fee" means an applicable fee charged to developments for the review of plans and assessment of Capacity Fee. As further defined in Article V Section 10.
14. "Delinquency" means delinquency in the payment of an assessment under this Article.
15. "District" - the Buckskin Sanitary District.
16. "EDU" - equivalent dwelling unit, as further defined in Article V Section 1.
17. "Engineer" means a person who, under any official title, is the civil engineer or surveyor of the district or the person appointed or employed by the board to perform the duties required of the engineer under this article.
18. "Excessive Flows" - a flow rate of wastewater in a sanitary sewer which exceeds the flow rate of 100 gallons per person per residential unit (E.D.U.) per day when coming from a residential or predominantly residential development, subdivision, parcel or lot, or which exceeds the estimate of the normal flow rate made by the Sanitary District for nonresidential connections.
19. "Flow" - liquids and suspended solids of all types which are found in the sewer.
20. "Flow Rate" - the total volume of flow which would accumulate in 24 hours. Flow rate shall be expressed in gallons per day.
21. "Garbage" - solid wastes from the preparation, cooking and dispensing of food and the handling, storage and sale of produce.
22. "Improvement District" - any Sewer Improvement District formed pursuant to Article 2, Chapter 14, Title 48 Arizona Revised Statutes within the Buckskin Sanitary District.
23. "Industrial wastes" - all wastewaters of the community excluding sanitary sewage and uncontaminated water.
24. "Lot" means any portion, piece, parcel or subdivision of land or property, or property owned or controlled by any person as a railroad right of way.
25. "May" - permissive.

26. "Natural outlet" - any outlet into a watercourse, ditch, or other body of surface or ground water.
27. "Owner" means the person who, on the day the action or proceeding is begun, possesses legal title to the lot by deed recorded in the La Paz County Recorder's office or the person in possession of the lot under claim of title or exercising acts of ownership over the lot for himself or as the personal representative of the owner.
28. "pH" - the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
29. "Permit" - written authorization required pursuant to this or any other regulations of the District for installation of any sewage works or connection of any sewage works to those of the District.
30. "Private sewer" - a sewer, generally on private land, connecting sewage source to the public sewer.
31. "Properly shredded garbage" - garbage that has been shredded to a degree that all particles will be carried freely under the flow conditions prevailing in the District's sewers.
32. "Proper District Authority" - the District manager, his designee, or one charged with the responsibility of carrying out the objectives of the District as outlined by the Board.
33. "Public sewer" - a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
34. "Sanitary sewer" - a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
35. "Sewage" or "Sanitary sewage" - any and all waste substances, liquids or solids associated with human habitation, excluding storm, surface and ground waters, and industrial waste.
36. "Sewage treatment plant" - any arrangement of devices and structures used for treating sewage.
37. "Sewer" - a pipe or conduit for carrying sewage.

38. "Sewer connection" - the connection to the public sewer and the extension there from of the sewer to the property line at the easement, alley or curb line of a street whichever is applicable, depending on the location of the public sewer.
39. "Sewer works" - all facilities for collecting, pumping, treating and disposing of sewage.
40. "Shall" - mandatory.
41. "Storm sewer" or "Storm drain" - a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
42. "Suspended solids" (SS) - solids that either float on the surface or are suspended in water, sewage or other liquids and which are removable by laboratory filtering.
43. "Time of Delinquency" means the time fixed when assessments become delinquent.
44. "Treasurer" means a person who, under any official title, is the custodian of the monies of the Buckskin Sanitary District.
45. AUPC@ - the current Uniform Plumbing Code
46. "User" - the owner or leasee of the real property using or required to use the District's sanitary sewer system.
47. A Usage of Sanitary Sewer Services@ - when a user has one (1) or more UPC fixture units.
48. "User Fee" - the charge made to the user of sanitary sewer services by the District to defray the costs of operation, maintenance, replacement, or expansion of the sewage collection and treatment facilities of the District.
49. "Watercourse" - a channel in which a flow of water occurs either continuously or intermittently.
50. "Work" or "Improvement" means any of the improvements authorized to be made by this article, the construction, reconstruction and repair of all or part of the improvements and labor, services, incidental expenses and materials.

ARTICLE II GENERAL CONDITIONS

Section 1. MANAGEMENT RESPONSIBILITY

It shall be the duty and responsibility of the Buckskin Sanitary District Board of Directors to establish rules, regulations and adopt motions, policies and resolutions necessary to control and manage all matters pertaining to the Sewage Collection and Disposal System and all real and personal property of the Buckskin Sanitary District in conformity with all applicable federal, state, county, and local laws and regulations set forth in this Resolutions of the Buckskin Sanitary District, Parker, Arizona. The Board shall employ a District Manager and grant to the Manager the authority for general supervision over the District's sewer system, the real and personal property of the District and the District employees, subject to the conditions of employment of the District Manager.

Section 2. CONNECTION REQUIREMENTS

It shall be unlawful for any person to connect a private sewer line or lines to any portion of the District sewer system unless such person has first made proper application for a permit to connect to said sewer system, has paid all fees required by the District to accompany said application, and said application has been approved by the proper District authorities. All connections to the District sewer shall be made pursuant to any rules, regulations or resolutions pertaining to the payment of fees. Further all connections shall be made in compliance with the Standard Specifications adopted by the District and the current edition of the Uniform Plumbing Code, and the subject to inspection and approval by the District, its agents or assignees, at the time of connection. A sewer connection shall be deemed to have occurred when a lateral from the sewer located within the sewer right of way is joined to a private sewer.

Section 3. COMPULSORY CONNECTION

- A. The construction, maintenance, or use of cesspools, septic tanks, or other means of sewage disposal are hereby abated and declared unlawful when a parcel of property, or improvement, a building site or proposed building site is covered by any of the following conditions:
1. When the site is in a new or proposed subdivision within the Sanitary District.
 2. When the site becomes adjacent to a sanitary sewer, however, the property owner shall have **six (6)** months following the installation of the sewer adjacent to his property to make the connection to the sewer system.
 3. All facilities within the district will be required to connect to the sewer when it becomes available, subject to paragraph B., C., and D. of this section.
 4. When the District, County, or State determines that health hazard exists.

- B. The use of sewage disposal devices referred to in Paragraph A must be abated within the time set forth except where a written time extension has been granted by the Sanitary District upon application of the property owner for good cause as determined by the Proper District Authority.
- C. Special conditions (hardships to the individual property owner) affecting the feasibility of connection to the sewer system may be considered by the Board of Directors with respect to the granting of a time extension as set forth in Paragraph B provided that said special conditions or hardships are not self imposed by the property owner.
- D. In the event that a property owner installs a private treatment facility, other than a septic tank or cesspool, such treatment facility must be approved by and comply with all rules and regulations of the Arizona Department of Environmental Quality, La Paz County, and the Buckskin Sanitary District. Further, the owner of such facility must provide to the District satisfactory assurance in the form of an agreement, letter of credit, or performance bond, that said facility will be properly operated and maintained. Such a private facility shall not discharge any sewage or sewage effluent onto or into the ground or into surface or groundwaters without the prior consent of the District.

Section 4. SEPTIC TANKS, USE AND DISCONTINUANCE OF USE

- A. When Permitted: Where a public sanitary sewer is not available within the District or in any area under the jurisdiction of the District, as described in Section 3A, a building sewer shall be connected to a private sewage disposal system, which complies with the regulations of the State Department of Environmental Quality. Private sewage disposal systems shall be constructed, maintained, and operated at all times in a sanitary manner.
- B. Discontinuance: Once any of the conditions set forth in Section 3A apply, a direct connection shall be made to the public sewer in accordance with the provisions of this Section, and any septic tanks, cesspools, and similar private sewage facilities shall be abandoned and filled with suitable material, as prescribed by the Uniform Plumbing Code and approved by the District.

Section 5. AMENDMENTS TO THE CODE

This Code may be amended at any time by a resolution duly adopted by the Board of Directors of the District, provided that notice of the same is duly given, as may be required by law, concerning any amendments regarding user fees, rates, charges or other assessments levied and collected by the Board.

Section 6. SERVICE BY CONTRACT

The District may provide sewer service to improvements located outside the District Boundaries. In such cases the owner of the property or the improvements shall enter into a contract with the District for the provision of such service. Such contract shall set forth the conditions of service and further shall incorporate these regulations as the same may apply.

Section 7. BUILDING PERMITS AND PLANS AND SPECIFICATIONS

- A. All property owners who desire to construct improvements which will connect to the District's sewer system must obtain a building permit from La Paz County, submit plans and specifications for said improvement to the District, and pay all applicable charges to the District prior to beginning construction of said improvement.

- B. All property owners who desire to construct an improvement which will not connect to the District's sewer system may apply for a "preclearance" or waiver of sewer service agreements in order to obtain a building permit.

ARTICLE III

SEWER USE REGULATIONS

Section 1. WATER OTHER THAN SEWAGE PROHIBITED

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, water used for air cooling purposes or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such drains as are specifically designated as such, or to a natural outlet approved by the District.

Section 2. CERTAIN SUBSTANCES PROHIBITED

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees F.
- (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (d) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, weathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (e) Any garbage that has not been properly shredded.
- (f) Any water or wastes having a 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 works.
- (g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

- (h) Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (j) Any substance whose physical, chemical, or electrical properties might be such as to interfere with any phase of the operation of sewage treatment plant.
- (k) Any sewage from septic tanks or holding tanks unless authorized by written permit from the proper District authority.

Section 3. INTERCEPTOR AND GREASE TRAPS

- A. Grease traps shall be required at all public premises where food is served, including, but not limited to restaurants, schools, commercial kitchens, cafeterias and boarding houses. All grease traps shall be of a type specified by the Uniform Plumbing Code or an equivalent approved by the District. Owners of all public premises requiring a grease trap shall permit a District Representative to inspect the grease trap so long as such an inspection is conducted during normal business hours.
- B. Grease, oil and sand interceptors shall also be provided when, in the opinion of the proper District authorities, they are necessary for the proper handling of liquid wastes containing grease in excess of limits set forth in Section 3 of this Article, or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Proper District Authorities and be located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained and cleaned by the Owner, at Owner's expense, and in continuously efficient operation at all times. All interceptors shall be serviced and cleaned periodically and verifiable by service receipt.

Section 4. EXCESSIVE FLOWS

- A. Flows from residential or predominantly residential developments, subdivisions, parcels, or lots shall be deemed excessive when flow rates exceed the normal maximum flow rate of 100 gallons per person per connected dwelling unit per day. Flows from other properties or developments connected to the District's sewer system shall be deemed excessive when said flows exceed the normal maximum flow rate for that type of connection as set forth in Exhibit A.

- B. All excessive flows shall be measured and recorded in a manner sufficient to establish the instantaneous and average flows for a period of two hours or more. All flow amounts over the normal maximum flow shall be billed to the originator of the flow or to the owner or other responsible party for the sewer system which delivers the excessive flow to the Sewer System of the Sanitary District. Excessive flows shall be billed at the rate of four times the standard commercial billing rate per 1,000 gallons which is in effect at the time the determination of excessive flows is made.
- C. The owner of the property from which the excessive flows are emanating, and the owner of the sewer system from where such excessive flows are entering the District's sewer system, if it is not the property owner, shall take corrective action to reduce flow rates and volume to non-excessive levels, when notified by the Sanitary District of the existence of such excessive flows. Such repairs and other corrective actions, as approved by the Sanitary District. If the property owner, or sewer owner fails to adhere to the approved schedule, the District may disconnect the sewer or connections from where the excessive flows are emanating from the District sewer system.
- D. If at any time the public health, safety, or welfare is threatened or injured because of excessive flows entering the District's sewer system, through a sewer connection, the District may, without notice to the owner of the property, or the sewer in question, terminate the sewer connection.

Section 5. SEWAGE REQUIRING SPECIAL TREATMENT OR HANDLING

- A. In cases where sewage quality or wastes from manufacturing or industrial plant, building, or premises is such that it may damage the sewer, or cannot be treated satisfactorily in the Wastewater Treatment Plant, the District shall require such users to dispose of such waste and prevent it from entering the system.
- B. In such cases where the character of the sewage or industrial waste from any manufacturing or industrial plant, building or premises, is such that it imposes an unreasonable burden upon said sewer system or treatment plant greater than imposed by the average sewage entering said sewer system, the District shall, if deemed advisable, require such manufacturing or industrial plant, building or premises, to pretreat such sewage in such a manner as defined in this Section.
- C. Admission into public sewers of waters or wastes having:
 - (a) a five (5) day B.O.D. greater than two hundred fifty (250) parts per million by weight, or

- (b) containing more than two hundred fifty (250) parts per million by weight of suspended solids, or
 - (c) containing any quantity or substances having the characteristics described in Section 2 of this Article, or
 - (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow of the district, shall be subject to review and approval of proper District authorities.
- D. Where necessary in the opinion of proper district authorities, the owner shall provide, at his expense, such preliminary treatment as may be necessary to,
- (a) reduce to B.O.D. to 250 parts per million and the suspended solids to 250 parts per million by weight, or
 - (b) reduce objectionable characteristics of constituents to within the maximum limits in Section 9 of the Regulation, or
 - (c) control the quantities and rates of discharge of such waters or wastes; or shall pay user fees proportional to the strength of the sewage discharged into the sewer system of the District.
 - (d) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of proper District authorities and ADEQ, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Federal pretreatment regulations shall be enforced as applicable.
 - (e) Prior to the connection of any industry's private sewer to a sewer of the Sanitary District, the industry and the Sanitary District will develop and enter into an agreement encompassing an Industrial Cost Recovery system that complies with the current U.S. EPA regulations and which has the approval of the EPA.

Section 6. MAINTENANCE OF SPECIAL TREATMENT FACILITIES

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Section 7. CONTROL MANHOLES FOR SAMPLING AND MEASURING

When required by proper District authorities, the owner of any property served by a private sewer carrying industrial wastes shall install a suitable control manhole in the private sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible, safely located, and constructed in accordance with plans approved by the proper District authorities. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as if to be safe and accessible at all times. Such analyses may be required to insure compliance with Sections 2, 3, & 5 of this Article shall be provided by the owner, whenever deemed necessary by the proper District authorities.

Section 8. SAMPLING AND MEASURING PROCEDURES

All measurements, tests, and analyses of water and waste characteristics to which reference is made in Sections 2, 3 & 5 of this Article shall be determined by the District authorities, in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole discussed in Section 7 of this Article, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer at which point the private sewer is connected.

Section 9. SPECIAL ARRANGEMENTS

No statements contained in this Article shall be construed as preventing any special agreement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment. Subject to payment therefore by the industrial concern.

Section 10. MAINTENANCE

All private sewer lines must be maintained by the property owner. Any maintenance which can be performed without excavating or removing, replacing or uncovering the private sewer line may be performed without a permit from the District. In the event that it is necessary for the property owner, or others acting on his behalf, to excavate, remove, uncover or alter, modify or change any portion of the private sewer line, the property owner must obtain a permit from the District, in a form approved by the District, and pay all fees prescribed herein, including any necessary inspection fees.

ARTICLE IV
CONNECTION PERMITS AND REQUIREMENTS

Section 1. CONNECTION PROCEDURE

- A. All persons required to or desiring to connect the improvements located upon real property within the District to the sewer system of the District may do so by making application in the name of the owner of the real property to the District upon such form as provided by the District and upon payment of all applicable fee. No connection shall be made to the District Sewer System without a permit to make such connection having been first issued by the District.

- B. All permits for connections to the sewer shall be subject to the following general conditions:
 - 1. **Adequacy of Design.** The responsibility for the adequacy of the design or the materials used shall rest solely with the permittee and the issuing of a permit shall not be construed as approval of the concept or construction details of the proposed facilities and shall not absolve the permittee, or design engineer, if any, of their respective responsibilities.

 - 2. **Joint Construction and Operation Permits.** Unless otherwise stated by special conditions, the issuance of this permit shall be a joint construction and operation permit provided that the permittee complies with all general, standard and special conditions of the District.

 - 3. **Allowable Discharges.** Discharges into the sanitary sewer system constructed under this permit shall consist of sanitary sewage only. Unless otherwise stated by the special permit conditions, there shall be no discharge of industrial wastes under the permit. Storm waters shall not be permitted to enter the sanitary sewer system.

 - 4. **Construction Inspection.** All sewer materials and construction shall be inspected and approved by the District. No sewer trenches shall be backfilled except as authorized by the District after having been inspected and approved and the sewer installed.

 - 5. **Maintenance.** The sewer connections, private sewer lines, systems or facilities shall be properly maintained and operated at all times in accordance with all applicable requirements. It is understood that the responsibility for maintenance shall run as an obligation against the property served, as well as the owner or the operator of the facilities, and said responsibility shall not be discharged nor in any way affected by change of ownership of said property.

6. **Indemnification.** The permittee shall be solely responsible for and shall defend, indemnify and save harmless the District from and against any and all claims, costs, damages, or expenses the District may suffer, incur, sustain or become liable for on account of any injury to, or death of, any person or persons, or any damage to, or destruction of, any real or personal property that may be caused by the construction, use, state of repair, operation and maintenance of the proposed facilities, arising out of or in consequence of the issuance of this permit. Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and save harmless the District from any claims or damages arising out of or in connection with the termination or revocation of this permit.
7. **Third Parties.** This permit does not grant the right or authority to the permittee to; (a) construct or encroach upon lands of the District or any other parties, (b) construct outside the territorial boundaries of the District, (c) construct or encroach upon territorial boundaries of any units of local government within the District.
8. **Costs.** It is expressly stipulated and clearly understood that sewerage systems or facilities for which a permit is issued shall be constructed, operated and maintained at no cost to the District, unless a Deed of Sewer, along with all necessary easements, be deeded to and accepted by the District.
9. **Other Construction.** The District reserves the right, privilege and authority to, in the District's discretion, allow others to reconstruct, change, alter and replace all sewers and appurtenances thereto at the point of connection of any private sewer to a District sewer or in public right-of-way or District easements, and to introduce additional sewage flow through this connection into the sewers of the District.
10. **Change of Use.** This permit shall be incorporated in the building and occupancy permit for the building or buildings served under this permit. The owner or occupant of any building served under this permit shall not cause, or permit, a change of use of the building to a use other than that indicated in this permit without first having obtained written permission from the District.
11. **Sewers Overloading.** The District serves notice that its sewers may flow full and may surcharge, and flooding of the proposed system may occur. The permittee is put on notice that the proposed systems shall be constructed, operated and maintained at the sole risk of the permittee.
12. **Nontransferability.** This permit runs with the land and may not be assigned or transferred.

13. **Expiration.** This permit shall expire on the date shown on the face of this permit. Construction under an expired permit is deemed construction without permit. All construction under this permit shall be completed on or before the expiration date of the permit. If conditions so warrant, a new permit may be granted by the Proper District Authorities. There shall be no refund of any permit fees.
14. **Revocation.** In issuing this permit, the District has relied upon the statements and representations made by the permittee or his agent. Any incorrect statements or representations shall be cause for revocation of this permit, and all the rights of the permittee hereunder shall immediately become null and void.
15. **Advance Notice.** Prior to commencement of construction under this permit, the permittee shall give the District an advance notice of at least two (2) working days. When advance notice is given, the permittee shall provide the permit number.
16. **Compliance with Plans and Specifications.** All construction shall be in accordance with the plans and specification, if any, submitted for this permit, the general specification of the District and the Uniform Plumbing Code. Not changes in, or deviation from the plans and specification which affect capacity, maintenance, design requirements, service area or permit requirements shall be permitted unless revised plans shall have been submitted to, and approved by the District. The permit together with a set of the plans and specification, if any (revised plans and specification, if any) shall be kept on the job site at all times during construction until final inspection and approval by the District.
17. **Testing and approval.** All construction under this permit shall be subject to inspection, testing and approval by the District. Upon satisfactory completion of construction, the permittee and the owner shall submit, or cause to be submitted, a request for approval on the form prescribed by the District. No sewer or other facilities shall be put in service until all the conditions of the permit have been satisfactorily met.
18. **Compliance with Rules and Regulations.** The permittee is responsible for meeting the requirements of all applicable rules, regulations, ordinances and laws of local, state and federal authorities. Issuance of this permit shall not constitute a waiver of any applicable requirements.

19. **Rights upon expiration or termination.** The permittee agrees that immediately upon receipt of written notice of termination of the permit for any reason, it will stop all operations, discontinue any discharges or disconnect the sewage system or facilities constructed under this permit. If the permittee fails to do so, the District shall have the right to disconnect said system. The permittee hereby agrees to pay for any costs incurred by the District for said disconnections. The various rights and remedies of the District contained in the permit shall be construed as cumulative, and no one of them shall be construed as exclusive of any one or more of the others or exclusive of any other rights or remedies allowed by applicable rules, regulations, ordinances and laws. An election by the District to enforce any one or more of its rights or remedies shall not be construed as a waiver of the rights of the District to pursue any other rights or remedies provided under the terms and provisions of this permit or under any applicable rules, regulations, ordinances or laws.
 20. **Contractor.** All connections of every nature whatsoever to the sanitary sewer system maintained and operated by the District shall be made by a contractor duly licensed by the Arizona Registrar of Contractors. Connection includes but is not limited to the actual connection to the sewer system, the location of the sanitary sewer system and all excavation within five (5) feet of the point of actual connection.
- C. Upon receipt of a permit and payment of all fees in accordance with the District regulations the applicant may commence construction of the private sewers and other improvements necessary to connect his facilities to the District sewer system.

ARTICLE V
FEES

Section 1. ESTABLISHMENT OF FEES

- A. All fees are to be in such classifications and amounts as annually approved by the Board of Directors of the Buckskin Sanitary District at a public hearing conducted pursuant to Arizona Revised Statutes Section 48-2027 (H).

Section 2. CAPACITY FEES

PURPOSE: Provide funds for the District to develop and expand Sewage collection, treatment and disposal facilities necessary to accommodate needs for service resulting from community growth and development.

- A. For purposes of calculating the Capacity Fee, an equivalent dwelling unit or an EDU, shall be as defined in paragraph J.
- B. All property owners in the District are deemed to have the right to connect to the District sewer system improvements producing sewage equivalent to 2.2 equivalent dwelling units per acre per day, hereinafter the "allowable base density." Any property owner who wishes to connect improvements which produce in excess of the allowable amount shall submit plans and specification to the District and pay, as set forth in Exhibit A attached hereto for each equivalent dwelling unit or portion thereof in excess of the allowable number of units for treatment plant and effluent disposal capacity, (the capacity fee) and any amount determined by the District Engineer necessary to pay for additional sewer line capacity to that property.
- C. The Capacity Fees are payable to the District prior to receiving a building permit, a change in zoning or any other step necessary for the development of the property and shall be deposited in a separate interest bearing account of the District to be used at the direction of the Board of Directors to defray any and all costs of increasing the capacity of the District's sewers, treatment plant, effluent disposal system and all facilities appurtenant thereto. It shall not be used to replace the existing equipment or treatment facilities or repair the same. No capacity fee shall be refunded to a property owner due to a change in use of the property resulting in a decrease in the amount of Equivalent Dwelling Units on the property.

- D. The Capacity Fee shall apply to all parcels of property in the District, whether in an assessment area or not, whether adjacent to or in the vicinity of a sewer or not, and whether the owner of said property has heretofore paid any Assessments or Connection Fees. Capacity Fees shall not apply to improvements with existing workable sanitation facilities, in conformance with the requirements of the Arizona Department of Environmental Quality existing upon parcels of property in excess of the allowable base density as of the date of adoption of the original capacity fee resolution by the District (April 13, 1984), nor to such improvements constructed thereafter in areas where no sewer system was available as of the date of construction of such facilities. Sewer service is deemed available to a parcel of property commencing at the time of the initiation of the planning for the construction of a sewer system to which they must connect the improvements upon their property.
- E. The Capacity Fee may be increased or decreased an amount equal to and compounded at the annual rate of inflation as determined by the consumer price index of the U.S. Department of Commerce and shall be subject to semi-annual review by the Buckskin Sanitary District at meetings held in December and June of every year, and more often if the District deems its necessary.
- F. In determining the amount of sewage to be generated by any connections, the District shall only consider the number of Equivalent Dwelling Units (EDU's) within the improvement or the actual flows if larger. The determination of the amount of sewage which may be produced by any connection shall be made by the District [Manager](#) whose determination shall be deemed exclusive. In making its determination, the District shall examine the plans and specifications submitted by any property owner and calculate there from the EDU's. The number of EDU's for a development shall be calculated using the values shown in paragraph J of this section. In the event that any property owner alters the plans for development, thereby increasing or decreasing the number of fixture units, approval for said alteration must be obtained from the District before the alteration may be made.
- G. The District shall cooperate with La Paz County in reviewing and monitoring building permits for alterations to existing structures to determine any changes in the number of EDU's connected to the District before the alteration may be made.

- H. If the District **Manager** determines that the development will contribute flow to the District sewers that is in excess of the design capacity of the sewers or that it will require a disproportionate percentage of the remaining capacity of the sewer at the point where the development will connect to the sewer, the owner shall pay to the District the cost of additional sewer line capacity or, with the District's approval, shall construct a new sewer line that shall connect to the District's sewer at a point where the interceptor has the design capacity to handle the additional flow attributable to the proposed development and shall pay the applicable charge therefore. Payment therefore must be made prior to the District issuing an "Agreement to Provide Sewer Service", or at the time of issuing the connection permit, whichever first occurs. To determine whether the person must pay for additional sewer line capacity, the District **Manager** may consider the following factors:
- (1) The amount of flow contributed by the proposed development that is attributable to equivalent dwelling units in a density greater than the allowable base density.
 - (2) The capacity of the District sewer at the point of connection.
 - (3) The existence of other property which may potentially connect into the sewer at the same and upstream location and the potential flows if that property were developed at the allowable base density.
 - (4) The most reasonable and economic method for the District to manage sewage flows with respect to the actual connections and potential connections of the other property in the vicinity of the proposed development.
- I. Any person desiring to increase the number of equivalent dwelling units or change the use of the property which contains improvements existing on the date of the adoption of these Rules and Regulations or thereafter, whether connected to the sewer or not, shall submit to the District at the time of applying for a connection or if the property is already connected at the time of changing the use the following information:
- 1) The size and location of the parcel of property owned.
 - 2) Sufficient information so that the District may determine the number of equivalent dwelling units existing at the time sewer service became available to the parcel.
 - 3) The proposed changes.

4) Preliminary and final plans for the development of the property. The District shall calculate the increase in the number of equivalent dwelling units directly attributable to the change in use and the applicant shall pay any necessary Capacity Charge including a charge for additional sewer line size, if applicable, as set forth in this Article as a condition of receiving a connection permit or continuing to be connected to the sewer.

J. The District **Manager** shall use the following assumptions for purposes of calculating equivalent dwelling units for the following types of developments:

- | | | |
|----|---|---|
| 1) | motel/hotel | 1/2 of one EDU per room |
| 2) | apartment = efficiency, studio garden, etc. (regardless of number of fixture units depicted on the plans) | one EDU per unit |
| 3) | mobile homes = | one EDU for each space available |
| 4) | travel/recreational vehicle | 1/2 of one EDU per each space |
| 5) | Resorts, time-share apartments, recreational condominiums and other similar facilities | one EDU per unit |
| 6) | single family residence, condominium, and similar individual dwelling units (vacant or developed) | one EDU for each unit |
| 7) | Bar and /or Restaurant | The capacity charge will be based on the total EDU's to be built less 2.2 (area in acres x 2.2) x current capacity charge per excess EDU, as calculated in Exhibit A. |
| 8) | other developments not listed | one EDU per 15 fixture units as defined by the Uniform Plumbing Code as amended |

- K. 1) Any lot, parcel or combination of lots and/or parcels, the total area of which is 6,000 sq. ft. or less as shown on La Paz County Assessor's Plats on file in the District office on May 15, 2002 may contain one single family residence or its equivalent in fixture units without incurring a capacity charge. Additional improvements will incur a capacity charge for each EDU in excess of one (1) according to the current capacity charge per excess EDU.
- 2) For any lot, parcel or combination of lots and/or parcels, the total area of which is more than 6,000 sq. ft. as shown on La Paz County Assessor's Plats on file in the District office on May 15, 2002 the capacity charge will be based on the total EDU's to be built less 2.2 (area in acres x 2.2) x current capacity charge per excess EDU.

Section 3. CONNECTION FEES

PURPOSE: Money collected from Connection Fees shall be used to pay all or part of the cost of installing other main line sewers in the Buckskin Sanitary District as and when designated by the proper District authority. When said monies are not being expended for that purpose, they are to be invested or spent at the direction of the Proper District Authority.

- A. Except for parcels of property within an Assessment Area or an Improvement District which have been assessed an amount greater than one dollar (\$1.00), the fees to be paid to the Sanitary District for a sewer connection shall include all applicable connection fees; said fees to be determined in accordance with the amount set forth in Exhibit A. There shall be two different classifications of Connections Fees:
1. Main Line Connections - any single connection to a District Sewer
 2. Developer Connections - to be applied to any development on more than one lot or parcel, or other development not defined as a main line connection
- B. Main Line Connections shall include any and all connections to the District Sewers of private sewers serving residential improvements. Such fees must be paid in cash prior to the issuance of a sewer connection permit, or may be paid in installments pursuant to a Promissory Note, with interest on the deferred balance and secured by a recordable Deed of Trust. Said Promissory Note to be for a term not in excess of fifteen (15) years; the rate of interest to be set by the Board annually at the time of setting District Fees.
- C. Developer connection fees shall apply to all other connections made for any purpose, including residential connections for more than one EDU. Developer connection fees are payable in cash at the time of the issuance of the permit and are not subject to the provisions hereof pertaining to financial assistance.

- D. In addition to the Developer Connection Fee calculated in accordance with Exhibit B, the connection fee for the developer of any new subdivision, business or industrial development shall also include all legal engineering, and other fees which are directly attributable to the connection of the sewer system constructed by the Developer to the District's sewers. The legal, engineering and other fees which are attributable to the connection of the development to the District's sewer shall not be waived or reduced except by a majority vote of the District Board of Directors.
- E. Involuntary Transfer of Property. Following a Trustee's Sale of property on which the Buckskin Sanitary District has a covenant or Promissory Note and Deed of Trust pursuant to Article II Section 4, where such note and Deed of Trust are extinguished by the Trustees Sale, no sewer service will be available to said property until:
1. The full amount remaining on the Covenant or Promissory Note is paid in full to the District; or
 2. The purchaser at the Trustee's sale assumes the Covenant or Promissory Note secured by a Deed of Trust; or
 3. If the purchaser partially pays the amount owing under the Covenant, he must execute a new Promissory Note and Deed of Trust in favor of the District for the remainder owing to the District.

Section 4. MONTHLY SEWER CHARGES

PURPOSE: User fees will be established to reflect the proportional shares of the cost of the operation, maintenance, repair and replacement of the wastewater collection, treatment and effluent disposal system and may be expended for any purpose as approved by the Proper District Authority.

- A. That current user fees to be charged to service locations within the District shall be set forth in Exhibit A attached hereto.
- B. In lieu of the user fees as defined in Exhibit A, an Owner or Manager of any of those places so defined may install in a control manhole a suitable sewage measuring device installed and maintained at his expense, in continuously efficient operation at all times. The user shall then pay the cost per gallon for sewage treatment set forth in Exhibit A.
- (1) Failure to maintain the measuring device in efficient operating condition will constitute authority for the District to bill the customer according to their category of user as set forth in Exhibit A.

- C. If the District finds it is not practicable to measure such waste by meter, the waste shall be determined in a manner or method as may be found practicable, in order to arrive at the quantity of water entering the sewer system upon which the user fee per gallon is levied. Charges for quantities so determined will be made at current gallonage rates set forth in attached Exhibit A.
- D. The rate shall be based on four components:
1. Treatment cost per milligram of bio-chemical oxygen demand (Total B.O.D. - Cost = B.O.D. Cost per mg.)
 2. Treatment cost per milligram of suspended solids (Total S.S. - Cost = S.S. Cost per mg.)
 3. Collection cost per thousand gallons of wastewater (Total flow - cost = Cost per gallon)
 4. Administration cost per account (Total Administration cost - number of accounts = Administrative cost per account)
- The rate formula is equal to the BOD cost/mg + S.S. cost/mg. + flow cost/gallon x the user's contribution + administrative cost per account.
- E. Calculations showing the results of this formula and the rates determined by it are shown in Exhibit A attached.
- F. The above formula is used to determine the basic rate for all residential and commercial users. The rate per 1000 gallons will vary due to the B.O.D. and S.S. loading contributed by each user class. The B.O.D. and S.S. values used to calculate the basic rate for each class of user are from a table of average values compiled by the Arizona Department of Environmental Quality.
- G. The monthly user fee is determined by multiplying the rate per 1000 gallons as calculated above times volume of wastewater contributed per user. When consumptive water records are not available for use in calculating user charges, average water use for the class shall be applied. Large volume users shall be metered through special arrangements with the water company supplying water service or through installation of special meters by the user.

- H. In the absence of metered water data for residential dwellings the Sanitary District has opted to apply monthly sewer use fees for all residential dwellings. The monthly fee is based on average monthly water consumption of 5575 gallons, including filtration and inflow, per residential dwelling unit. The monthly user fee is computed by multiplying the rate per one thousand gallons by the gallons used in thousands.

Section 5. RESPONSIBILITY FOR PAYMENT OF SEWER USER FEES

All user fees shall be due fifteen (15) days following billing. User fees shall be payable by and billed to the Owner in whose name the service connection is recorded (for the month being billed or any part thereof) at any service location or property connected or required to be connected to the District sewer system. All user fees not paid when due shall be added to and included in the following billing.

Section 6. COLLECTION PROCEDURES AND DISCONNECTS FOR DELINQUENCY

If any sewer user fees are unpaid sixty (60) days or more after the due date, the District may serve written notice upon the Owner served personally or by mailing to the billing address, that if said delinquency is not corrected within fifteen (15) days from the date of the service or mailing of said Notice, the District may disconnect the private sewer of the user from the sewer system, or engage in collection proceedings as may be appropriate, including litigation. All costs of collection, including reasonable attorneys' fees, shall be added to the unpaid user fee.

Section 7. PHYSICAL DISCONNECTION AND RE-ESTABLISHMENT FEES

- A. Physical Disconnection Fee - Whenever the District shall have physically disconnected and sewer service for failure to pay the sewer user fee, the property shall not be reconnected to the sewer system until all delinquent sewer user fees are paid in full, together with a physical disconnection fee set forth in Exhibit A. In addition to said physical disconnection fee, the District may require a deposit to cover future sewer user fees in an amount not to exceed one year's estimated sewer user fees before the property is reconnected to the sewer system. All labor, material and equipment costs incurred to disconnection and reconnect shall be billed to the Owner in addition to the physical disconnection fee.

- B. Re-establishment Fee - In the event the property owner requests that the District suspend sewer user fees, the property owner shall pay to the District a re-establishment fee as set forth in Exhibit A. The property owner requesting that the District suspend sewer user fees shall provide the District with adequate evidence from the water company serving the property that the water service has been disconnected from the property or otherwise terminated. If the property is provided water service from a private well the property owner shall present evidence that the well has been capped, the pump removed or that service to the improvements has been adequately interrupted to insure that no water is flowing into the improvements. Likewise, if the property is provided water service from a spring or seep, evidence of the termination of such service must be presented. If the property owner reconnects the water service to the improvement and fails to notify the District that he is commencing to use his sewer service the user, in addition to the re-establishment fee shall pay a penalty fee as set forth in Exhibit A.

Section 8. ANNEXATION AND DEANNEXATION FEES

- A. Any property owner who desires to annex his property to the Buckskin Sanitary District will pay as a part of the connection and other fees an annexation fee in the amount set forth in Exhibit A. In addition to any and all fees a person applying to annex property to the Buckskin Sanitary District shall pay all legal, engineering and other costs incurred by the District which are directly attributable to the annexation.
- B. Any person applying to deannex property from the Buckskin Sanitary District shall pay, in addition to any and all other fees, all legal, engineering, and other costs incurred by the District which are directly attributable to the deannexation.
- C. The annexation fee is payable at the time the Order of the Board of Directors of the Sanitary District setting forth a change to the boundaries of the Sanitary District becomes final pursuant to Arizona Revised Statutes Section 48-262 (A) (11). The Annexation fee is payable in the following manner:
 - 1. The total amount in Legal tender (currency of the United States of America); or
 - 2. By having said amount included as a portion of the cost of the improvements in an improvement district as authorized and established pursuant to Article 2, Chapter 14, Title 48, Arizona Revised Statutes at the time of the annexation, or immediately thereafter, for the provision of collector sewers and appurtenant facilities in the territory annexed, and having such amounts payable to the District in immediately available funds at the earliest possible time for payment as provided in said Article 2 and in the Resolutions and other proceedings for such improvement district.

- a. In the event that it is determined that an annexation fee shall be paid pursuant to sub-paragraph 2 above, and in the event that for any reason the improvement district to be established pursuant to Article 2, Chapter 14, Title 48, Arizona Revised Statutes is not established, or is established and sufficient protests are received to prevent the construction of the project or the assessment of the property therein, said Annexation Fee shall be immediately collectible against all parcels of property within such annexed Territory. The Board of Directors may defer the annexation fee until such time as the connection of the improvements located upon each respective parcel of property to the Sanitary District sewer.

D. Additional Capacity Fees. In addition to the fees set forth above, there shall be an additional Sewer System Fee levied against each parcel of property which has improvements located thereon which constitute more than two and two tenths Equivalent Dwelling Units per acre; said improvements to have been constructed subsequent to April 13, 1984; such fee to be determined and payable in the same manner as the Capacity Fee described in Article V Section 1 of these rules and regulations as if such existing improvements were to be constructed upon such property immediately following the effective date of the order changing the boundaries of the Sanitary District and annexing such Territory to the Sanitary District.

Section 10. DEVELOPERS' FEE FOR PLAN CHECK AND INSPECTION

Before any plans for new sewer connections are approved by the District Manager the applicant must have paid the Developer's Fee. The Developer's fee for each application will be determined by the percentage of the developer's building permit. A separate fee shall be collected for each set of plans submitted to the District by the applicant or by La Paz County when acting upon a request by the applicant. As set forth in Exhibit A.

Section 11. AVAILABILITY FEE

Whenever a parcel of property containing improvements which are required by the Rules and Regulations of the Buckskin Sanitary District to be connected to the sanitary sewer system remains unconnected after the due date for connection said parcel of property shall be charged a monthly availability fee as set forth in Exhibit A of the Rules and Regulations.

Section 12. PHYSICAL DISCONNECTION FEE

A parcel of property which is physically disconnected from the sanitary sewer system by direct or indirect action, contract or order by the Sanitary District shall be charged a physical disconnection fee as set forth in Exhibit A of the Rules and Regulations.

**ARTICLE VI
MISCELLANEOUS**

Section 1. PROTECTION OF DISTRICT PROPERTY

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the District sewage works.

Section 2. USE OF DISTRICT FUNDS

- A. An adequate financial management system shall be maintained by the District to accurately account for operation and maintenance plus replacement (O&M+R) revenues and expenditures.
- B. The accounting system will segregate operation and maintenance plus replacement (O&M+R) revenues and expenditures to assure adequate revenues to properly operate and maintain the treatment works. The fund will have two accounts, one for O&M and one for replacement costs. The user charge rates will be revised as needed to generate sufficient revenue to pay the total O&M+R.
- C. Inconsistent Agreements B The user charge system set forth in these Rules and Regulations shall take precedence over any terms or conditions of agreements or contracts between the Buckskin Sanitary District and users which are inconsistent with the requirements of Section 204(b)(1)(A) of the Clean Water Act.

Funds of the District may be used for construction of sewers when:

- 1. District funds are available;
- 2. District funds can be used to service the greatest number of occupied dwellings within the Sanitary District;
- 3. Additional sewer diameter is required;
- 4. It is necessary to extend sewers to areas of existing habitation.

District funds will not be available for sewer construction to new or proposed subdivisions except for the additional sewer diameter that may be required by off-site considerations.

Section 3. PROVISION OF SERVICE OUTSIDE DISTRICT

- A. Before sewer service may be provided to any parcel of property located outside the boundaries of the District the following must occur:
1. That the person whose real property is located outside of the District's boundaries but adjacent to a sewer line and contiguous to the District may request to have sewer services provided to that real property by the District.
 2. That the person who requests sewer services be provided to their sole property by the District shall sign a contract which shall state the details of the duties and responsibilities of each Party.
 3. That the person shall be required to have their property annexed into the District once services are being provided to the real property by the District.
 4. That the District shall periodically annex real property into the District.
 5. That during the interim prior to annexation, the person requesting services from the District shall be required to enter to a contract governing the terms, conditions and fees for services and requiring them to have their real property annexed into the District at the next time when the District is annexing property.
 6. That it shall be intent of both that person and the District that the above-described contract run with the land and that it impose a burden upon the land and upon the parties, their heirs, executors, administrators, successors or assigns.
 7. That the above-described contract shall be recorded in the records of the La Paz County Recorders Office, La Paz County, Arizona, and shall serve as notice to any parties acquiring or receiving an interest in that real property.
- B. With the Consent of the District property located outside the District Boundaries may be served by contract between the District and the owner of the property or improvements to be served without such property being annexed to the District. Such contract shall provide the term of service, the conditions of service and the fees for such service.

Section 4. ANNEXATIONS

All annexations of property to the District must be accomplished in accordance with Arizona Revised Statutes Section 48-262. All property subject to the annexation shall pay annexation fees as described herein. Property annexed to the District may be contiguous or noncontiguous with the District, so long as all noncontiguous annexations meet the requirements set forth in Arizona Revised Statutes Section 48-2002.

Section 5. EASEMENTS

Rev. 6/21/11

- A. All property owners desiring the connection of the improvements on their property to the sewer system of the Buckskin Sanitary District shall grant to the District those easements necessary to properly effectuate the sewer connection desired.
- B. If a property owner splits or alienates only a portion of his parcel of property, such property owner must provide the necessary easements to provide sewer service to all parcels of property created by the land division.
- C. All easements granted to the District shall be subject to the following restrictions and conditions of use:
 - 1) No person, firm or corporation having user fee of property subject to easement in favor of Buckskin Sanitary District, shall hereafter construct, build, or establish a building upon the property subject to said easement. A building means a house, commercial building, industrial building, or any structure of a size or construction that the moving thereof would cause great inconvenience to any person.
 - 2) Should the property owner, subject to an easement in favor of Buckskin Sanitary District, construct a building thereon, in violation of this Resolution, Buckskin Sanitary District, may employ individuals to clear said property, and charge costs of the same to owner of property. Nothing contained herein shall obligate Buckskin Sanitary District to compensate the property owner, subject to the easement, of the value of a "building" cleared. The District may take those steps as are required to work in the easement and preserve the improvement, rather than clear the improvements.
 - 3) No person shall excavate deeper than three (3) feet upon the property subject to the easement in favor of Buckskin Sanitary District without having first obtained permission therefore as herein required. Such permission shall be granted by the Proper District Authorities. Applicants for permission to excavate upon property subject to easement in favor of Buckskin Sanitary District shall be made in writing to the District and shall state thereon specifically the size of the space intended to be excavated, and the purposed for the excavation.
 - 4) No person shall plant any trees or shrubbery upon the property subject to the easement in favor of Buckskin Sanitary District without having secured permission therefore, Application for such permission shall be made to the District. All trees and shrubs so planted shall be placed subject to

the direction and approval of the District. No boulders, benches or fences shall be built or maintained upon the property subject to the easement in favor of Buckskin Sanitary District, unless approved by the District.

- 5) In the event any improvements are constructed within the boundaries of the easement and these create any additional costs to the Sanitary District because it must incur additional expenses to repair, install or replace its sewers, the property owner's user fees shall be adjusted to cover all additional costs incurred.
- 6) Nothing herein shall prohibit the location of a mobile home on or over all or a portion of any easement of the Buckskin Sanitary District, provided that in the event it becomes necessary for the District to do any work within said easement the property owner shall pay the costs of moving the mobile home, if necessary, or all costs incurred as set forth in paragraph (e), if work is done without moving the mobile home.

Section 6. CONSTRUCTION SPECIFICATIONS

All sewer laterals, house laterals or other connections or connecting sewers which adjoin or connect into any portion of the Buckskin Sanitary District sewer system shall be constructed in accordance with the Standard Specification of the District and the Uniform Plumbing Code.

Section 7. EFFECTIVE DATE

The fees fixed by this Resolution shall become effective as of the day of the adoption of this Resolution, or the date of adoption of such fees.

Section 8. VALIDITY OF REGULATION

If any article, section, paragraph, subdivision, clause, or phrase of this Regulation shall for any reason be held illegal or unenforceable such decision shall not affect the validity of the remaining portions of this Regulation. The Board of Directors of the Buckskin Sanitary District hereby declares that the District would have adopted this Regulation and each and every other section, paragraph, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one of more sections, paragraphs, subdivisions, sentences, clauses or phrases of this Regulation may be held illegal, invalid or unenforceable.

Section 9. SPECIAL AGREEMENTS.

The provisions of these rules and regulations, Section 204(b) (1) (A) of the Clean Water Act and the User fee Policy of the Arizona Water Quality Control Council dated April 11, 1985 shall take priority over the terms and conditions or any preexisting agreements when found to be in conflict regarding

the levy, application and collection of user fees.

Section 10. FINANCIAL MANAGEMENT SYSTEM

The District shall account for all user fee revenues in a separate revenue account. All operations and maintenance and replacement part expenditures shall be accounted for in separate expense accounts. These revenue and expense accounts shall be maintained in the central accounting records of the District.

Section 11. NOTIFICATION OF USERS.

The District shall include with the first user fee billing of each fiscal year a notice to all users which states the rate and the budgeted amount of the user fee to be spent on sewage collection, treatment and administration expenses.

Section 12. WASTEWATER TREATMENT BY-PRODUCTS.

The District may market re-claimed water and other treatment by-products in a manner consistent with the best interests of the District. Revenues received from the sale of by-products shall be used to offset the costs of operations and maintenance and user fees to all users. Total annual revenues received shall be included in the budget for the fiscal year following receipt unless included in the current year's budget for operations and maintenance.

Section 13. PENALTIES

Any person, firm, or corporation violating any of the provisions of this Regulation shall become liable to the District for any expense, loss, or damage occasioned the District by reason of such violation. Further the District may, pursuant to Arizona Revised Statutes Section 48-2031, prosecute any violation of these rules and regulations as a class 2 misdemeanor. Each and every day such violation continues shall be deemed and considered a separate offense.

Section 14. ADMINISTRATIVE ENFORCEMENT REMEDIES

14.1 Notice of Violation

Whenever the District finds that any user has violated or is violating this Ordinance, the District or its agent may serve upon said user a written Notice of Violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof,

to include specific required actions, shall be submitted to the District. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the District to take emergency action without first issuing a Notice of Violation.

14.2 Consent Orders

The District is hereby empowered to enter into Consent Orders, assurance of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the compliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to Sections 15.1 below and shall be judicially enforceable.

14.3 Show Cause Hearing

The District may order any user which causes or contributes to violation(s) of this Ordinance, wastewater permits or orders issued hereunder, or any other pretreatment requirement to appear before the District and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the use. Whether or not the user appears as noticed, immediate enforcement action may be pursued following the hearing date.

14.4 Compliance Orders

When the District finds that the user has violated or continues to violate the Ordinance, permits or orders issued hereunder, or any other pretreatment requirement, he may issue an order to the user responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain such other requirement as might be reasonably necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Furthermore, the District may continue to require such additional self-monitoring for at least ninety (90) days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permits shall control.

14.5 Cease and Desist Orders

When the District finds that a user has violated or continues to violate the Ordinance, permits or orders issued hereunder, or any other pretreatment requirement, the District may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- a. Immediately comply with all requirements
- b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge

Section 15. JUDICIAL ENFORCEMENT REMEDIES

15.1 Injunctive Relief (Citation)

Whenever a user has violated or continues to violate the provisions of this Ordinance, permits or orders issued hereunder, or any other pretreatment requirement, the District through the District Manager may petition the appropriate Court, Justice Court, John Drum-1506, located at 1105 Arizona Ave., Parker, AZ 85344. Phone Number (928)669-2505 for the issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order, or other requirement imposed by this ordinance on activities of the user. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the District. The Court shall grant an injunction without requiring a showing of a lack of adequate remedy law.

15.2 Civil Penalties

Any user which has violated or continues to violate this Ordinance, any order or permit hereunder, or any other pretreatment requirement shall be liable to the District for a maximum civil penalty of insert maximum allowed under State law but not less than \$1000 per violation per day (insert appropriate State Statute of Limitations). In the case of a monthly or other long term-average discharge limit, penalties shall accrue for each business day during the period of the violation.

- a. The District may recover reasonable attorney fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expense, and the cost of any actual damages incurred by the District.
- b. In determining the amount of civil liability, the Court shall take into account all relevant circumstance, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as

justice requires.

- c. Where appropriate, the District may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to the District and the user's expense in undertaking the project is at least one hundred and fifty (150%) of the civil penalty.

15.3 Criminal Prosecution

- a. Any user who willfully or negligently violates any provision of this Ordinance, any orders or permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1000 per violation per day or imprisonment for not more than one year or both.
- b. Any user who knowingly makes false statements, representations, or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Ordinance, or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1000 per violation per day or imprisonment for not more than one year or both.
- c. In the event of a second conviction, the user shall be punishable by a fine of not to exceed \$3000 per violation per day or imprisonment for not more than 3 years or both.

ARTICLE VII
BOARD MEMBER INDEMNIFICATIONS

The Buckskin Sanitary District hereby indemnifies, holds harmless and agrees to defend the individual members of the Board of Directors of Buckskin Sanitary District from any and all claims, causes of action, or liabilities arising out of their actions, or non-actions, as members of the Board of Directors of the Buckskin Sanitary District.

ADOPTED THIS day of , 2002 .

Chairman

ATTEST:

EXHIBIT A
BUCKSKIN SANITARY DISTRICT - FEES

Inspection fee (to be paid in full) \$50.00 minimum per inspection
Inspection fee for more than two Time and Materials dwellings commercial or other facilities \$50.00 minimum

Lateral fee \$ * for each lateral, the property owner/entity requesting additional lateral will pay costs incurred by the District.

Connection Fees: \$ 200.00, includes up to 2 inspections.

Monthly User Fee: \$ 42.00 per EDU as per annual budget.

Capacity Fees \$2,300 x EDU for each such unit in excess of the allowable base density

Developers Fee and Plan Check and Inspection: 75% of La Paz County Building Permit

Interest on deferred costs : As per Arizona Statutes 44-1201 ____

Re-establishment Fee - Suspension Agreement \$ 300.00

Return Check Fee - Whenever a check is returned to the District for Non Sufficient Funds (NSF) a fee of \$ 25.00 shall be charged.

Physical Disconnection / Reconnection Fees - If disconnected for non-payment of user fees a charge of \$100.00 shall be added to any account reconnected for service. Disconnection fee will be charged to the owner for any costs incurred by the District for the physical disconnection. Additionally, the District may require a deposit to be paid in advance of reconnection of not more than one (1) year user fee.____

Penalty - Reconnection Without Notice to District \$300.00 Plus any user fees after Re-connection. ____

Sewer System Annexation Fee - the property owner/entity requesting annexation will pay costs incurred by the District.

Availability Fee \$(1 User Fee) X 50% per month

The current rates to be charged as user fees to all service locations within the District are the greater of thirty eight dollars (\$42.00) per EDU or the following: (Properties with combination of user fee classes shall be charged a rate for the most expensive use unless otherwise agreed upon by the District in writing.)

CLASS I - Residential (B.O.D. = 200, SS = 150) :

Gallage Rate: $((.18) \times (1 \text{ user fee}) / 1000 \text{ Gals})$

EDU Rate: $(1 \text{ User Fee } \times \text{ __ EDU/Month })$ Note: 1 EDU = 15 UPC Discharge Fixture Units

Capacity at one (1) EDU

1. Single Family residences
2. Duplex, triplex or condominium units (each unit)
3. Apartment
4. Mobile homes (includes permanently parked trailers used as dwellings)
5. Townhouses
6. Other Dwellings

Capacity at two (2) EDU

7. Single Family Residence on two (2) lots
8. Two Houses on one (1) lot

Note: If the Owner chooses to request a Gallage Rate, the Owner shall submit to the District for review, the owner's current water usage records for one year. The District will review the request and if accepted will then apply average water usage to user fee calculation. This gallage shall be reviewed and adjusted annually.

CLASS II B Commercial

EDU Rate: User fee = $(1 \text{ User Fee } \times \text{ __ EDU })$ Note: 1 EDU = 15 UPC Commercial Discharge Fixtures

- A. High Strength Classes (30% more in BOD / SS treatment Costs)

Gallage Rate: $((.23) \times (1 \text{ User Fee }) / 1000 \text{ gal.}$

1. Rest. (BOD = 1000, SS = 600)
2. Rest./Bar (BOD = 600, SS = 406)
3. Laundry (BOD = 450, SS = 240)

- B. Normal Strength Classes (BOD = 200, SS = 150)

Gallage Rate: $\$(0.18) \times (1 \text{ User Fee}) / 1000 \text{ gal}$

1. Motel/Cabins
2. Bar
3. RV/Travel Trailer Parks
4. Office/Retail Shop
5. Schools
6. Laundromat
7. Other

NOTE: A maximum rate of $\$(1 \text{ User Fee}) / \text{unit}$ shall apply to subcategories 1) Motel/Cabins, 3) RV/Travel Trailer Parks and 4) Office/Retail Shop when it can be demonstrated to the satisfaction of the Sanitary District that an excessive amount of wastewater is not entering the sanitary sewer system but is being consumed or disposed of by other appropriate methods.

C. Low Strength Classes

1. Car Wash (BOD = 20, SS = 150) $\$(0.18) \times (1 \text{ User Fee}) / 1000 \text{ gal}$

CLASS III - Special

The special class is a temporary rate classification for customers in special circumstances that do not come under Class I or II. The Sanitary District will prepare billings for Class III accounts based upon estimates of usage, comparisons with similar accounts, data from other sources such as tables published by the Arizona Department of Environmental Quality, or other methods are considered appropriate. The temporary rate classification will normally terminate with the installation of metered water service to the account.

EXHIBIT B

BUCKSKIN SANITARY DISTRICT

ASSESSMENTS FOR IMPROVEMENT DISTRICTS

When lot sizes vary significantly within an improvement district, it is more equitable to use area as a basis for determining the assessment, rather than a unit price per lot. The formula is the same as the detailed formula above, except the instead of using \$__ per lineal foot, \$__ per lineal foot is used. This figure is an average calculated from previous improvement district and assessment areas. A factor is usually needed to multiply each assessment so that the total amount assessed is equal to the total project cost estimate. This is calculated automatically in the assessment spread worksheet.

DEVELOPER'S CONNECTION FEE FORMULA: $C = 2.1 * _ * \text{acres}$

where C = connection fee
2.1 = allowable EDU's
__ = cost (\$) per EDU

If the developer installs a sewer collector system that meets with the Sanitary District's guidelines and approval, the developer will receive a credit against his connection fee, which in most cases usually cancels out the connection fee.

**EXHIBIT C
BUCKSKIN SANITARY DISTRICT
SEWER ANNEXATION AND CONNECTION CERTIFICATE**

When Recorded please return to:

Buckskin Sanitary District
8832 Riverside Drive, # 4
Parker, Arizona 85344

This Certificate is being issued by Buckskin Sanitary District to

for the annexation and/or connection of Equivalent Dwelling Unit(s) to the sewage collection and treatment facility of the Buckskin Sanitary District, although due to the size and location of the parcel of property more than one (1) EDU could be connected. This certificate records and acknowledges that only a portion of the total annexation and/or connection fees have been satisfied.

The property for which this certificate benefits is more particularly described as follows:

and he understands and agrees that at the time further hookups are required for the above described property, he shall make application to Buckskin Sanitary District for such hookups and make payment for the hookups applied for at that time in accordance with the then existing Rules and Regulations of the Buckskin Sanitary District.

DATED this ___ day of _____, 20__.

Property Owner

**STATE OF ARIZONA
COUNTY OF**

SUBSCRIBED AND SWORN to before me the undersigned notary public this ___ day of _____, 20__.

By _____, Notary Public.

My Commission Expires:

Accepted and Approved: