

## Chapter 14

### WATER♣

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#### ARTICLE 14-1. WATER SYSTEM ADMINISTRATION

##### Sec. 14-1-1. Management of water system.

The council shall have the immediate control and management of all things pertaining to the city water system and shall perform, or cause to be performed, all acts that may be necessary for the prudent, efficient, and economical management and protection of said water system. The council shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

##### Sec. 14-1-2. Receipts and deposits.

The administrative services director shall be responsible for the accounting of all receipts, the issuance of all bills for water and materials furnished to consumers, collect the same, and deposit the proceeds so collected to the credit of the city and in accordance with the direction of the council.

*(Ord. No. 2008-10, §1,8-19-08)*

##### Sec. 14-1-3. Definitions.

- (a) *Consumer* means property owner or renter, lessee or tenant for water customers.

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♣ **Cross references**—Building, Ch. 7; sewers, Ch. 11; subdivisions, Ch. 12; planning and zoning, Ch. 15; flood damage prevention, Ch. 19.

*(Ord. No. 2008-10, §2, 8-19-08; Ord. No. 2011-07, § 4, 5-17-11)*

## **ARTICLE 14-2. WATER SERVICE**

### **Sec. 14-2-1. Application.**

- (a) No new, enlarged or reduced connection for any premises shall be made to city water mains or to its system, without written application therefor, signed by the consumer, upon application forms furnished by the city, being submitted to the city building department. The applicant shall pay all applicable fees, including development fees.
- (b) No service shall be commenced without written application therefor, signed by the consumer, upon application forms furnished by the city, being submitted to the city finance department, and without payment of all applicable fees and deposits.

*(Ord. No. 471, §1, 6-20-00; Eff. 10-01-00; Ord. No. 2008-10, §3, 8-19-08; Ord. No. 2011-07, § 5, 5-17-11)*

### **Sec. 14-2-2. Grounds for rejection of application.**

The city may reject any application for water service for any good and sufficient reason including the following: service not available under a standard rate; service which involves excessive service expense, service which may affect the service to other consumers; service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location.

### **Sec. 14-2-3. Violation of application provisions.**

For violation of any of the provisions relating to application for service, the city shall, in accordance with Section 14-4-2, at the expiration of ten (10) days after mailing written notice to the last known address of the consumer, at its option, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the consumer shall first pay to the city a reinstallation charge in such sum as the council shall establish by resolution.

*(Ord. No. 2008-10, §4, 8-19-08)*

**Sec. 14-2-4. Reserved.**

*(Ord. No. 211, § 1, 11-28-84; Ord. No. 221, § 1, 2-5-85; Ord. No. 279, § 2, 2-16-88; Ord. No. 471, §1, 6-20-00, Eff. 10-1-00)*

**Sec. 14-2-5. Fees, meter service.**

No new, enlarged or reduced meter shall be installed for any premises until an application on a form provided by the city shall be submitted and signed by the owner or his designee on his behalf.

The application shall be accompanied by a fee set by resolution of the common council from time to time with reference to this section. Said resolution may set a different fee based upon size of the meter installed and may set a different fee for services outside the city limits.

*(Ord. No. 211, § 1, 11-28-84)*

**Sec. 14-2-6. Reserved.**

*(Ord. No. 221, § 1, 2-5-85; Ord. No. 471, §1, 6-20-00, Eff. 10-1-00)*

**ARTICLE 14-3. DEPOSIT**

**Sec. 14-3-1. Deposit and service fee required.**

There shall be charged to all consumers applying for water service to be provided to any premises, before such service commences, a deposit of such sum as the council shall establish by resolution for private service or business service. In addition to the deposit fee, there shall be a service connection fee which is non-refundable. Turn-on, turn-off, seasonal suspension and reactivation fees as set by the council shall also apply and are non-refundable.

*(Ord. No. 416, 7-15-97; Ord. No. 2008-10, §5, 8-19-08)*

**Sec. 14-3-2. Payment responsibility.**

The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

## ARTICLE 14-4. DISCONTINUANCE OF SERVICE

### Sec. 14-4-1. Notice required.

Any consumer who desires to discontinue the use of water service shall file written notice with the city finance department at least three (3) days in advance of intended termination of service. Responsibility for water service consumed extends to the time of departure or to the time specified for departure, whichever occurs last.

(Ord. No. 2008-10, §6, 8-19-08)

### Sec. 14-4-2. Termination by city.

(a) *Termination of service with notice.* The city may disconnect service to any consumer with notice for any reason stated below provided the city has met the notice requirements of Section 14-4-2(c) and (d) below:

- (1) Violation of any of the city's policies and procedures;
- (2) Failure to pay any amounts owed to the city;
- (3) Failure to meet or maintain the city's credit and deposit requirements;
- (4) Failure to provide the city reasonable access to its equipment and property;
- (5) Misrepresentation in any application for service, service agreement or mainline extension agreement;
- (6) Any material breach of a service agreement or mainline extension agreement;
- (7) When necessary for the city to comply with an order of any court or governmental agency having jurisdiction.

(b) *Termination of service without notice.* The city may disconnect service to any consumer without advance written notice under the following conditions:

- (1) In the event that any loss or damage to the property of the city or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents or employees;

- (2) To prevent fraud or abuse;
- (3) The consumer's willful disregard of or refusal to comply with this chapter or other rules as may be adopted by the council;
- (4) The existence of an obvious hazard to the safety or health of the consumer or the general population;
- (5) Emergency repairs;
- (6) Insufficient supply caused by factors outside the control of the city.

(c) *Termination notice requirements.*

- (1) The city shall not terminate service to any consumer without providing advance written notice to the consumer of the city's intent to terminate service, except for those conditions specified in subsection 14-4-2(b).
- (2) Such advance written notice shall contain, at a minimum, the following information:
  - (i) The name of the consumer whose service is to be terminated and the address where service is being rendered;
  - (ii) The reason for termination;
  - (iii) The date on or after which service may be terminated; and
  - (iv) A statement advising the consumer that the city's stated reason for the termination of service may be disputed by contacting the city, advising the administrative services director of the dispute and making arrangements to discuss the cause of termination with the administrative services director in advance of the scheduled date of termination. The city shall retain the option to terminate service after affording this opportunity for a meeting and concluding that the reason for termination is valid.

(d) *Timing of termination with notice.*

- (1) The city shall give at least ten (10) working days advance written notice prior to the termination date.
- (2) The notice shall be considered to be given to the consumer when a copy is left with the consumer or posted first class in the United States mail, addressed to the consumer at the billing and notice address for the consumer as provided in the agreement for service between the consumer and the city.

- (3) If after the period of time allowed by the notice has elapsed and the delinquent account has not been paid nor arrangements made with the city for the payment thereof, or in the case of a violation of the city's policies and procedures the consumer has not satisfied the administrative services director that such violation has ceased, the city may then terminate service on or after the date specified in the notice without giving further notice.
- (e) *Hearings.*
- (1) If requested by the consumer, the city shall schedule a hearing on any disputed matter relevant to the termination of service or fines. Once a request for hearing is made by the consumer, the city shall not terminate service until the matter is resolved, unless the city determines that the continuance of water service would endanger the public health or safety, or would interfere with the lawful, safe, or effective operation of the water system.
  - (2) Nothing herein shall relieve the consumer of paying any fees for water services or other fines, rates, fees or charges while the matter is pending resolution.
- (f) *Landlords/Tenants.* The city shall not be responsible for any dispute, including the termination of service hereunder, between landlords/tenants or owners/renters regarding unpaid fines, rates, fees or charges.

(Ord. No. 2008-10, §7, 8-19-08)

## ARTICLE 14-5. RATES AND BILLS

### Sec. 14-5-1. Water rates.

All water sold by the city shall be sold at rates as determined from time to time by resolution of the council. Any person receiving water shall pay the monthly charges within fifteen (15) days from date of billing. If the bill is not paid within that time limit the city may discontinue service.

### Sec. 14-5-2. Unmetered hydrants.

The city may furnish water for fire protection to the city through unmetered hydrants.

**Sec. 14-5-3. Water bills.**

If charges for water furnished to users are not paid within ten (10) days after the charges become payable, service shall be discontinued in accordance with Section 14-4-2 and a penalty as fixed by council resolution, together with any bills for repairs on meters or pipes made necessary by carelessness or willful injuries on the part of the consumer, shall be collected before water service is again furnished. There shall be a non-refundable reconnect fee as fixed by council resolution.

*(Ord. No. 2008-10, §8, 8-19-08)*

**Sec. 14-5-4. Incorrect bill.**

Any consumer may present a claim to the city if he believes that he may have received an incorrect bill. Such claim shall be presented in person at the city hall before such bill becomes delinquent, provided that the consumer may make a claim following payment of his bill and his payment shall not prejudice his claim. Such claim shall not exempt the consumer from delinquency penalties if he fails to pay his bill on time.

**Sec. 14-5-5. Turn-offs and turn-ons.**

A reasonable charge as fixed by resolution of council shall be made for each turn-on and turn-off of water service, including seasonal suspension and reactivation fees, for reasons other than change of occupancy or discontinuance of service for delinquency.

*(Ord. No. 2008-10, §9, 8-19-08)*

**Sec. 14-5-6. Unoccupied units liable.**

The minimum charges for additional units or trailer spaces shall apply regardless of whether the unit or trailer space is occupied or unoccupied.

**Sec. 14-5-7. Commencement of charges.**

The city shall commence service charges for a consumer when the water meter is installed and the water connection is made, regardless of whether the water service is used or not.

**ARTICLE 14-6. METERS**

**Sec. 14-6-1. Meters to be used.**

All water sold by the city shall be metered by meters which shall be owned and kept in repair by the city. No meter or service line shall be located on any premises other than that for which the application describes.

**Sec. 14-6-2. Suitable placement.**

The city may install a water meter on the property line or on the consumer's property in such location as deemed necessary and which is conveniently accessible by a meter reader.

**Sec. 14-6-3. Single meter.**

Pipes and equipment for water and sewer service belonging to the consumer shall be so arranged to permit the placing of a single water meter and a single sewer connection for that property convenient to the city. If the pipes and equipment belonging to the consumer are not arranged to permit such placement of a meter and sewer connection, and additional meters or connections are required, each such additional meter or connection shall be considered as an additional account and shall be so billed. The consumer must provide a cut-off valve near the meter and between the meter and any outlet.

**Sec. 14-6-4. Grouping of meters.**

When two (2) or more meters are installed on the same premises for different consumers, they shall be closely grouped and each meter shall be clearly marked as to the consumer to whom it belongs.

**Sec. 14-6-5. Water meter installation fee schedule.**

Fees for water meter installations shall be as determined by resolution of the council.

**Sec. 14-6-6. Water meter failure.**

If a water meter fails to operate and a reading cannot be taken, a bill shall be made by the city in an amount based on the average monthly billing of the previous three (3) months.

**Sec. 14-6-7. Interference by dogs.**

In the event any dog kept on the premises interferes with meter reading by an employee of the city and the meter is not read, a billing shall be made by the city in an amount based on the average monthly billing of the previous three (3) months.

**Sec. 14-6-8. Special meter reading.**

Any consumer may request and have the city perform a special reading of his water meter upon the payment of a deposit in an amount established by the council. If the special reading indicates that the regular meter reading was incorrect, then such deposit shall be returned to the consumer, otherwise, such deposit shall be retained by the city as a charge for the special meter reading.

**Sec. 14-6-9. Meter tests.**

Any consumer may, upon written application accompanied by a deposit in an amount established by the council, have his meter tested for accuracy by the city. If the meter registers a divergence from accuracy greater than three (3) percent, the deposit shall be refunded to the applicant and the indicated adjustment made in the water service charges for a total period not longer than the then current period and the monthly period immediately preceding. If a meter so tested registers within three (3) percent of accuracy, the deposit shall be retained by the city as a fee to pay the cost of such test. All inaccurate and defective meters shall be replaced by the city immediately when detected.

**ARTICLE 14-7. WATER MAIN EXTENSIONS♣**

**Sec. 14-7-1. Generally.**

No water main extension shall be made by the city except on an approved dedicated street, alley or recorded easement. No water main shall be installed with less than a minimum pipe size of six (6) inches in diameter or such larger diameter as may be determined by the city engineer based on criteria approved by the council. Prior to construction of any main by other than the city, the applicant for a water main extension shall enter into a written agreement for each such extension which agreement shall be approved by the city engineer.

*(Ord. No. 203, § 1, 8-8-84)*

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♣ **Cross reference**—Requirements and specifications for water mains in subdivisions, § 12-1-90 et seq.

**Sec. 14-7-2. Extension rights reserved; cost of main extensions.**

- (a) The city reserves the right to install or oversize any water main extension.
- (b) A developer causing an extension of water mains shall pay in full for the rights-of-way, the construction and installation of the lines, pipes, mains, and hydrants and all other expenses necessary for the extension; and upon acceptance of the improvements by the city, the developer shall relinquish his entire interest in the improvements, the rights-of-way and all claims to any future reimbursement by reason of the city's providing future service to others from the main, provided that, if the city chooses to intervene under section 14-7-3, the city may agree to give a developer credits against special water line fees where a developer extends mains a substantial distance outside his development.

(Ord. No. 203, § 2, 8-8-84)

**Sec. 14-7-3. Definitions.**

- (a) *Oversize* means that the city requires the installation of a line of a diameter in excess of that required under section 14-7-1 and pays the additional cost for the larger diameter pipe.
- (b) *Special water line* shall mean any city-owned water main line, where the cost of installation or oversizing of said main line was paid with city funds. Special water line shall not include any main where the costs were assessed to or borne by the abutting properties and which has been designated as a "special water line" by resolution of the city council.
- (c) *Water main* is synonymous with water line.

(Ord. No. 203, § 3, 8-8-84)

**Sec. 14-7-4. Connections; permit required.**

It shall be unlawful for any person, firm or corporation to connect to any water main or to connect to any special water line without a permit therefor having been first obtained from the city building official or city engineer.

(Ord. No. 203, § 4, 8-8-84)

**Sec. 14-7-5. Application.**

- (a) *Application for permit.* Before a permit may be issued for connection to a water main or special water line a written application therefor must be made to the city building official or city engineer.
- (b) *Granting of permit.* Upon such written application being made, the city building official or city engineer may issue a permit to make such water line connection upon:
  - (1) The payment of fees provided for in this article;
  - (2) The payment of any other applicable city fees as established by resolution of the City Council;
  - (3) A written agreement, in applicable cases, pursuant to section 14-7-1.
- (c) *Special water line fee.* If the application is for connection to a special water line, the applicant shall pay the applicable special water line fee.

(Ord. No. 203, § 5, 8-8-84; Ord. No. 461 §6, 12-21-99)

**Sec. 14-7-6. Determination of special water line fees.**

The special water line fee for each special water line shall be determined and established by resolution of the city council based on the council's determination as to the most equitable means of sharing cost for said line among those to receive benefit from it. In determining equitable means, the council may utilize one of the following criteria:

- (a) Per front foot of property fronting the line.
- (b) Per square foot of property fronting on the line potentially being served by the line.
- (c) Per connection to the line.
- (d) Quantity of water to be drawn from the line.
- (e) Benefit to the property to be served by the line.
- (f) A combination of any two (2) or more of the foregoing criteria.

The council's determination shall be final and conclusive.

(Ord. No. 203, § 6, 8-8-84)

## **ARTICLE 14-8. CONSUMER RESPONSIBILITIES**

### **Sec. 14-8-1. Water facilities.**

The consumer shall have complete responsibility for the installation and maintenance of adequate water facilities on the premises and the city shall not in any way be responsible for the installation, maintenance, inspection, or damage of such facilities or damage caused by any defect in such facilities on the consumer's premises. Such facilities shall be maintained by the consumer in full compliance with any and all rules and regulations of the city in addition to applicable state statutes.

### **Sec. 14-8-2. Negligence.**

Any damage to the city water system or injury to city employees caused by the negligence of any consumer and which requires any repairs, replacements or damages, the cost of such shall be added to that consumer's bill, and if such charges are not paid, water service may be discontinued.

### **Sec. 14-8-3. Right-of-way.**

Each consumer shall provide to the city such easement and right-of-way as is necessary to provide water service to that consumer.

### **Sec. 14-8-4. Protection of city property.**

The consumer shall guarantee proper protection for city property placed on his premises and shall permit access to it only to authorized representatives of the city.

### **Sec. 14-8-5. Supplying water to others prohibited.**

No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families or for use on any other property. The city reserves the right to shut off the supply for abuses of water privileges.

### **Sec. 14-8-6. Commercial use.**

Any water service for commercial use shall not be included in a residential service account and shall have a separate meter and connection.

**Sec. 14-8-7. Water restrictions.**

In case of water shortage or scarcity, the council may, by resolution, place any restrictions which it deems necessary upon the use of water for irrigation or sprinkling purposes.

**Sec. 14-8-8. Waste of water prohibited.**

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures, must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for code violations, the water supply may be turned off where any such waste occurs.

**Sec. 14-8-9. Inspections.**

Whenever in the judgment of the council it is deemed necessary, it may provide for the inspection of the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and fixtures, or the manner in which such facilities are used, and shall set applicable fees for such inspection by resolution.

*(Ord. No. 461, §7, 12-21-99)*

**Sec. 14-8-10. Placement of water lines.**

No person shall install, maintain or use within the city any water line which shall be at any point less than five (5) feet removed from any sewer line shall be the greatest distance possible above said sewer line.

**Sec. 14-8-11. Cross Connection Prevention Code.**

- A. That certain document known as "Cross Connection Prevention Code of the City of Show Low, Arizona" three (3) copies of which are on file in the office of the city clerk of the city, which document was made a public record by Resolution No. 632 of the city, is hereby referred to, adopted and made a part hereof as if fully set out in this article, the provisions thereof to become effective on the 1st day of January, 1994.
- B. General penalty and fees.

- (1) Violation of any section of this article shall constitute a civil violation punishable as provided in section 1-8-1(a) of this Code. A separate offense is committed for each day of noncompliance with any of the requirements of this article.
- (2) When convicted of a violation of this article, any license previously issued to that person by the city may be revoked by the Show Low City Council or any proper court, if there may be reasonable relationship between the activities listed and the offense. Revocation of license shall not be considered a recovery of penalty so as to bar any other penalty being enforced.
- (3) The department may deny or discontinue, after reasonable notice to the occupants thereof, the water service to anyone using the city water distribution system or to any premise wherein any backflow prevention assembly or method required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the department, or if required reports and/or records are not properly filed, or if it is found that the backflow prevention assembly or method has been removed or bypassed, or if any unprotected cross-connection exists on the premises. Reasonable notice shall be sent in writing at least two (2) weeks prior to the disconnection, unless the department determines that a potential for a severe health hazard exists.

If the department determines that a potential for a severe health hazard exists the department may immediately discontinue water service without notice. Notice by telephone will be given as soon as possible and written notice will be sent within five (5) days, following discontinuance of water service.

Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the department.

Fire sprinkler systems shall not be subject to disconnection without the explicit approval of the fire marshal, but will be subject to other penalties as provided for in this article.

*(Ord. No. 362, § 1, 5-18-93; Ord. No. 2004-14, § 15, 7-6-04)*

## **ARTICLE 14-9. LIABILITY**

**Sec. 14-9-1. Interruption of service.**

The city shall notify the consumer in advance of any anticipated interruption of service when such advance notice is possible. The city shall not be responsible for any interruption of water service caused by forces beyond its control.

**Sec. 14-9-2. Liability limited.**

No liability shall attach to the city for any injury or damages that may result from turning on or shutting off the water in any main, service connection, or pipe; or the restriction of use or discontinuance of any water service, or any failure of the water supply, regardless of any notice or lack of notice thereof. The city shall not be held liable, in any respect, for the condition, defects, failure, or use of any pipe, connection, fixture, or appurtenance, not belonging to the city, on any premises, or for loss or damage resulting therefrom.

**ARTICLE 14-10. REGULATIONS AS PART OF CONTRACT**

**Sec. 14-10-1. Taking of water service deemed consent to contract.**

All regulations contained in this chapter shall be considered a part of the contract of every resident of the city taking water service from the city and such resident taking water service shall be considered as having expressly consented to be bound thereby. Consumers outside the city limits, shall, upon application for water service, be required to sign a statement agreeing to the regulations set forth in this chapter.