

HIGHLAND PINES DOMESTIC WATER IMPROVEMENT DISTRICT

ORDINANCE NO. 2020-1

THE ATTACHED ORDINANCE IS TO establish rates and fees; to regulate the use and construction of water facilities within the District.

WHEREAS, the Board of Directors of the Highland Pines Domestic Water Improvement District desires to assure that the use of the water system in the Highland Pines Domestic Water Improvement District, operated by the District, will conform to the best engineering practices, and;

WHEREAS, the Board of Directors desires to regulate the use of the water system operated by the District.

THEREFORE, BE IT RESOLVED by the Board of Directors of the Highland Pines Domestic Water Improvement District, Yavapai County, Arizona, that an Ordinance is adopted as attached.

Approved by Highland Pines Board of Directors on 5/21/2020.

HIGHLAND PINES DOMESTIC WATER IMPROVEMENT DISTRICT

Celia Carr, Chair

Sandy McClintock, Vice-Chair

Dave Cook, Member

Bryan Crossley, Member

Pat Ferguson, Member

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## ARTICLE I

### DEFINITIONS AND ABBREVIATIONS

#### Section 101

The definitions of certain words and abbreviations used in this Ordinance shall be as follows:

ADMINISTRATOR: The person(s) designated by the Board of Directors to manage the administration of the District or his/her authorized representative.

ANNEXATION: The addition of territory to the District.

HIGHLAND PINES DOMESTIC WATER IMPROVEMENT DISTRICT: The name of the District in which the water system is located. It is a recorded district formed under Title 48 "Special Taxing Districts", of the Arizona Revised Statutes.

BACKFLOW PREVENTION DEVICE: Backflow-prevention assembly means a mechanical device used to prevent backflow.

BEDROOM: One room (intended to be used as a sleeping room) that includes a closet.

BOARD OF DIRECTORS: The Board of Directors of the Highland Pines Domestic Water Improvement District, an elected 5-member Board of property owners and/or registered voters within the boundaries of the District.

CAPACITY: The volume of ERUs designated for use in the District's water System. The use and the right to water capacity runs with the land and is limited to the approved and paid for use.

COMMERCIAL / INDUSTRIAL USER: Any non-residential user.

DISTRIBUTION SYSTEM: Any system of water lines connected to the District system.

DISTRICT: The Highland Pines Domestic Water Improvement District.

DISTRICT CLERK: A person appointed as the Clerk of the District Board of Directors.

DISTRICT ENGINEER: A qualified engineer appointed or employed as District Engineer.

DISTRICT FEES: All District fees run with the land and are the sole responsibility of the property owner, whether occupied by the owner or a lessee. It is the property owner's responsibility to notify the District and the Yavapai County Assessor's Office of address changes. If communication mailed from the District is returned by the Post Office as undeliverable the District shall attempt to research Yavapai County records for another address. Research fees will apply.

DISTRICT OFFICE: Municipal Accounts and Consulting, L.P., 240 S. Montezuma, Suite 202B, Prescott, AZ 86303; Phone: 928-800-5364.

DOMESTIC WATER USE: Domestic water use includes water for normal household purposes, such as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns and gardens. Domestic water use means water for the house, buildings and irrigation within the building envelope.

ERU: An ERU (Equivalent Residential Unit) is a unit of measure for water based upon the average flow to an average residential dwelling. An ERU for each user class contains an industry-wide average for flow.

G.P.D.: Gallons per Day.

MAG: Maricopa Association of Governments Uniform Standard Specifications and Details publication.

MAY: Permissive.

OWNER: A person holding legal or equitable title in any real property subject to this Ordinance.

OPERATOR: The person, or their authorized representative, that is a State Certified Water Operator (minimum grade required by law), designated by the Board of Directors to manage the operation and maintenance of the District's water system.

PUMP STATION: The equipment and facility used to pressurize and/or transport water through the distribution system to a location where it will be used by the customer.

SERVICE LINE: A water line serving an individual structure, from the water meter to the dwelling or building. The service line shall run directly from the water meter and backflow prevention device to the structure.

SHALL:Mandatory.

RESIDENTIAL UNIT: A room (or group of rooms) designed for one or more persons living as one socially homogeneous body (including relatives and servants, if any) and containing sleeping accommodation (Including townhouses, condominiums and apartments).

WATER SYSTEM: District owned and maintained water treatment and distribution facility and other appurtenances required to pump, treat and distribute water.

WATER LINE: A pipe or conduit for carrying water.

YAG: Yavapai Association of Governments Standards publication.

## **ARTICLE II**

### **GENERAL PROVISIONS**

#### **Section 201 - Purpose**

The purpose of this Ordinance is to provide for the maximum possible beneficial public use of the District's water system through regulation of water line construction and water use; to provide procedures to insure compliance with the requirements contained in this Ordinance; and to establish rates and fees for connection to the District's water system.

#### **Section 202 - Short Title**

This Ordinance may be cited as the Highland Pines DWID Ordinance or District Ordinance.

#### **Section 203 - District Office**

All correspondence, applications, and inquiries should be addressed to: Natalie Galgano-Pinkley, Municipal Accounts and Consulting, L.P., 240 S. Montezuma, Suite 202B, Prescott, AZ 86303; Phone: 928-800-5364

#### **Section 204 - Relief on Application**

When any person by reason of special circumstances is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to his premises, he may make written application to the Board of Directors stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision complained of, as applied to his premises.

Based on such application and its review of the situation, the Board of Directors may suspend or modify the provision complained of, as applied to such premises, which suspension or modification shall be limited to the period that the justifying special circumstances continue.

#### **Section 205 - Relief on Board of Directors' Motion**

If the Board of Directors, on its own motion, finds that by reason of special circumstances any provision of this Ordinance should be suspended or modified as applied to a particular premise may suspend or modify such provision. Such action shall apply only so long as the justifying special circumstances prevail.

#### **Section 206 - Administration**

The Administrator shall administer, implement, and enforce the provisions of this Ordinance.

#### **Section 207 - Notice of Violations**

Any person found in violation of this Ordinance will be served with a notice stating the nature of the violation and providing a time limit of 48 hours, or an alternate time limit determined by the Board of Directors, for compliance. Such notice will be in writing and will be served in person or by certified mail. The notice will be sent to the last address of the owner of record known to the Administrator. If satisfactory action is not taken in the time allotted by the notice, Section 208 of this Ordinance shall be implemented.

#### **Section 208 - Penalty for Non-Compliance**

Any person who continues to violate the provisions of this Ordinance beyond the time limit provided for in the "Notice of Violation" may be charged a penalty. The penalty shall be according to the District Rate and Fee Schedule.. The District may disconnect the property's service connection from its system and assess re-connection fees according to the District Rate and Fee Schedule plus District costs upon re-establishment of service. The property owner will be responsible for replacement and/or repair of landscaping disturbed during line excavation. The District may also initiate a court action to recover costs and attorney's fees. Re-connection shall not be allowed until all violations have been rectified.

#### **Section 209 - Inspections**

District representatives, bearing proper credentials and identification, shall be permitted to enter properties of users served by District's water system at any reasonable time for the purposes of inspection, observation, measurement, and sampling of the water to ensure that the use of the District's water system is in accordance with the provisions of this Ordinance.

District representatives, bearing proper credentials and identification, shall be permitted to enter all private property through which the District holds an easement for the purposes of inspection, observation, measurement, sampling, construction, repair, and maintenance of any of the District's water facilities lying within the easement.

All entry and any subsequent work within an easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

While performing the necessary work on private property, the District representatives will observe all reasonable safety rules applicable to the premises and the work being performed.

Any requested information, which is claimed in writing to be confidential by the owner and allowed by law to be confidential, will be so honored by the Administrator and District representatives.

#### **Section 210 - Authorization to Alter, Use or Disturb the District Water System**

No person shall uncover, make any connections with or opening into, use, alter, or disturb any part of the District water system to include but not limited to water lines, water meter, backflow prevention device or appurtenances without first receiving the appropriate required written permits and the approval from the District Administrator.

**Section 211 - Damage to the District Water System**

Any person who causes damage to the District's water system shall be liable to the District for all costs incurred to correct the damage. Damage may be defined as, but is not limited to, the need for repairs and/or additions to, spillage of water from and illegal use of the District's water system. Failure to notify the District, or correct the damage, or reimburse the District for the costs incurred shall be considered in violation of this Ordinance.

**Section 212 - Vandalism**

Any person who tampers with or destroys any District property or structure, which is part of the District's water facilities, shall be criminally prosecuted.

**Section 213 - Property Owner's Responsibility**

It is the sole responsibility of the property owner to: make all notifications to the District, including but not limited to, any changes in property use, ownership, occupation of the property, and property owner's current mailing address; obtain applications and approvals from the District; make payment of fees, fines, reimbursable expenses, and damage claims to the District; assure proper use of the District's water system.

**Section 214 - District Records**

District records that are not confidential are available for public inspection upon request. Arrangements to view District documents may be made by contacting the District Office. Copies of District documents may be charged at \$1.00 per page for copies, and \$4.00 per page for copies 11 X 17 inches or larger plus any additional expenses and postage necessary for delivery of such documents.

**Section 215 - Use of District Property**

The use of District owned property shall be restricted to District use only.

**Section 216 - Mandatory Connection to District Water System**

All properties developed within the boundaries of the District are required to properly connect to the District's water system for all domestic use on that property. Domestic water use includes water for normal household purposes, such as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns and gardens. Domestic water use means water for the house, buildings and irrigation within the building envelope.

**Section 217 - City of Prescott**

The City of Prescott provides the main water supply to the District's water system. Payment of the City's applicable Buy-in Fee and City of Prescott approval is required to connect to the District's water system.

**Section 218 Service Calls**

Service calls received from customers shall be processed as follows:

- If the cause of the problem is on the property owner's side of the meter, the property owner will be charged the actual cost for reimbursement of expenses by the District to repair. Charges due within **10 days** of invoice date.

**ARTICLE III**  
**BUILDING/EXPANDING WATER CONNECTIONS**

**Section 301 - General**

All properties developed within the boundaries of the District are required to properly connect to the District's water system for all domestic use on that property. Domestic water use includes water for normal household purposes, such as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns and gardens. Domestic water use means water for the house, buildings and irrigation within the building envelope.

No person shall uncover, make any connections with or opening into, use, alter, or disturb any portion of the District's water system or appurtenances without first receiving the appropriate required permits and the written approval of the District Administrator.

The City of Prescott provides the main water supply to the District's water system. As part of this service, the City requires all properties connecting to the District's water system pay the City's applicable Buy-in Fee and approvals.

**Section 302 - Service Line Connections**

The design, installation, repair, maintenance, and replacement of service lines are the sole responsibility of the property owner.

Service lines shall be run directly from the structure to the water meter and backflow prevention device without crossing another person's property.

The service line connection shall be inspected by the District's authorized representative prior to backfilling. All such connections shall be made watertight, using approved fitting designed for this purpose. The District's representative may verify tests. The applicant shall notify the administrative office when the service line is ready for inspection. The District representative shall inspect the connection within **2 days** from the date of inspection request submittal.

Any connection to the District's system that is backfilled prior to inspection by the District shall be exposed within **48 hours** (at applicant's expense).

It is the applicant's responsibility to confirm that the inspection has been performed and approved prior to backfill.

Any expenses incurred by the District for damages caused to the District's mainline or system, by improperly installed connections shall be responsibility of property owner. District may invoice property owner for expenses incurred and property owner shall reimburse the District within **30 days** of invoice.

**Section 303 - Water Expansion Process - Constructing Water Systems for District Acceptance**

A property owner, or their designated representative, may make application to the District to construct a water line extension, which may include water lines and pump stations that may be conveyed to the District for acceptance into the District's water system. The District Board of Directors may accept ownership and maintain the additional system upon acceptance.

The construction of the water extension, blue stakes, utility re-routing, road construction, or any other type of construction shall be the sole responsibility of the applicant.

The District is not liable in any way for any part of a water extension project. Upon final District acceptance, the District will begin to maintain the lines. This maintenance does not relieve the applicant of warranty work.

The applicant shall be responsible for notification of District requirements to all parties affected, including but not limited to the applicant's contractors.

The applicant shall be the designated contact to the District for the entire water expansion process.

Hook-Up Fees, as determined by the District, shall be paid in full prior to making application to the District.

Approvals shall be issued prior to the start of construction.

Pump station construction shall be limited to extreme necessity. The District Engineer shall determine if the necessity exists. The system shall be designed in accordance with ADEQ requirements, Arizona Administrative Code Title 18 and applicable Y.A.G. Standards.

**Easements**

The applicant shall be responsible to obtain all easements necessary for the construction of the water extension. The easements shall include a legal description certified by an Arizona Registered Surveyor. All expenses to obtain such easements shall be borne by the applicant. All permanent easements shall be conveyed to the District upon final acceptance of the additional water system. The minimum width of the permanent easement conveyed to the District shall be 15-feet.

**Expenses**

All expenses incidental to the design, construction and inspection of the water extension and the District's Water Expansion Process shall be borne by the applicant.

The applicant shall be billed for expenses incurred by the District for the Water Expansion Process. Upon completion of the plan review the District Engineer shall provide the applicant, upon written request, a written estimate of the anticipated expenses to be incurred for the remaining Water Expansion Process. These expenses may include administration, inspection, plan review. Invoice for expenses (incurred on a monthly basis) for design, construction and inspection of water extension shall be due and payable within **15 days**. An interest rate will be charged on outstanding account balances due after **30 days**.

All invoices shall be paid in full prior to final acceptance by the District.

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Upon the District Engineer's approval of the submittals, he shall issue a letter giving an Approval to Construct based on the information supplied. Any modifications to approved plans shall be submitted in writing to the District Engineer for review and approval prior to making the modifications.

Applicant shall notify District Engineer **72 hours** prior to the start of construction.

#### **Submittals**

The property owner shall submit a written notice stating the name of their designated representative and their knowledge of the Ordinance requirements and expenses. This notice shall also include an agreement to reimburse the District upon invoice in accordance with this section.

Each applicant shall provide the District Administrator an initial plan review submittal package containing two (2) complete sets of design plans and specifications, including testing plans, prepared and sealed by a professional engineer registered in the State of Arizona, and a construction schedule for the entire water system. Faxes, catalog sheets and revised drawings are not an acceptable format for submittals.

The District Administrator shall forward to District Engineer initial plan review package. District requires a minimum of **10 working days**, from the time of the complete submittal, for review.

If the submittals are found to be deficient, the District Engineer will document the deficiencies in writing to the applicant. The applicant's registered engineer will then correct the plans and/or specifications and present a complete re-submittal in original format for additional review.

Pump station construction shall be limited to extreme necessity. The District Engineer shall determine if the necessity exists. If a pump station(s) is deemed necessary see Section 304 Pump station Construction Requirements,

An isolation valve shall be installed, with box and cover, at every service line, branch of water lines, and/or at any intersection of lines.

All submittals shall refer to the standards defined in the most current editions of the Uniform Plumbing Code (UPC), M.A.G. Standards, Y.A.G. Standards, AWWA Standards, District Ordinance, and/or other agency requirements. Submittals that do not address these requirements shall be considered deficient.

The design submittals shall include the size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement and jointing, pump station design and equipment specifications, and testing methods to be used in the construction of the additional water system. The design plans shall also show necessary permanent easement locations.

The system shall be designed in accordance with ADEQ requirements, Arizona Administrative Code Title 18 and applicable Y.A.G. Standards. The District requires tracer wire on all installed pipe.

The applicant shall obtain all of the appropriate permits and approvals for the water system construction, including the Approval to Construct from Yavapai County, the Arizona Department of Environmental Quality, The Department of Water Resources or other agencies as required by law. Once obtained the applicant shall forward a copy of these permits and approvals to the District Administrator.

#### **Inspections and Testing**

All distribution system additions will be tested and inspected in accordance with the most current editions of the Uniform Plumbing Code (UPC), MAG Standards, AWWA Standards, Highland Pines District Ordinance, Arizona Department of Environmental Quality (ADEQ) requirements, Arizona Administrative Code Title 18, and/or other agencies as required by law. The District Engineer, or his authorized representative, shall inspect the construction of the water system periodically during the construction process for observation purposes only. The District Engineer shall determine the frequency of the inspection schedule. The inspection by the District Engineer, or his authorized representative, does not remove any liability from the applicant for the quality of construction or the design.

The District Engineer shall approve the testing schedule, method of testing and testing limit requirements. The District Engineer shall be notified 24 hours in advance of testing and shall be present to observe testing, if deemed necessary by the District Engineer. The District Engineer requires the applicant to perform quality assurance testing as deemed necessary by the District Engineer. The District requires mandrel and air tests on all water lines. The District Engineer's inspection does not relieve the owner's responsibility for quality control and project compliance.

The property owner is responsible to provide adequate inspections and reports for quality control and approval by State and County agencies. Any inspections made by the District Engineer shall be in addition to the owner's inspections. The District Engineer's inspections do not replace the owner's responsibility.

#### **As-Built Plan Review / Approval of Construction**

Upon the District Engineer's approval of the submittals he shall issue a letter giving an approval of construction based on the information supplied.

Applicant shall notify District Engineer within **24 hours** of completion of construction.

#### **Submittals**

Upon completion of construction of the system the applicant shall provide the District Administrator an as-built plan review submittal package containing two (2) complete sets of as-built plans and specifications, test results, and permanent and/or temporary easements, prepared and sealed by a professional engineer registered in the State of Arizona. An Arizona registered engineer shall certify test results. Faxes, catalog sheets and revised drawings are not an acceptable format for submittals.

The District Administrator shall forward to the District Engineer for the as-built review submittal package for review. The District requires a minimum of **10 working days**, from the time of the complete submittal, for review.

If the submittals are found to be deficient, the District Engineer will document the deficiencies in writing to the applicant. The applicant's registered engineer will then correct the submittals and present a complete re-submittal in original format for additional review.

All submittals shall refer to the standards defined in the most current editions of the Uniform Plumbing Code (UPC), M.A.G. Standards, Y.A.G. Standards, ADEQ requirements, Arizona Administrative Code Title 18, AWWA Standards, District Ordinance, and/or other agency requirements. Submittals that do not address these requirements shall be considered deficient.

The as-built submittals shall include the size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placement and jointing, pump station construction and equipment specifications, and testing methods that were used in the construction of the additional water system. The as-built plans shall also show the permanent easement locations and include a legal description certified by an Arizona Registered Surveyor.

The as-built submittal shall include a digital format seamless drawing of the newly installed improvements. The drawing shall show pipe runs using State Plane Coordinates. This drawing shall be suitable for importation into the District's GIS database. The cost of importing the data into the District's GIS system and feature attribution of the features shall be borne by the developer/owner. Any additional survey required to correct incomplete or inaccurate coordinates shall be borne by the developer/owner.

The District Engineer may require additional testing, cleaning, inspection, and/or survey of the system prior to its acceptance. Such work shall be done at the expense of the owner.

The applicant shall obtain all of the appropriate permits and approvals for the water system addition, including the Approval of Construction and the Approval to Operate from Yavapai County, the Arizona Department of Environmental Quality, or other agencies as required by law. Once obtained, the applicant shall forward a copy of these permits and approvals to the District Administrator.

The applicant's engineer shall be responsible for the certification of the entire system addition to the District.

#### **District Acceptance and Warranty**

The newly constructed water system and easements may be conveyed to the District.

A Bill of Sale and Warranty Deed for the water distribution system shall be submitted to the District Administrator with adequate warranties against liens and encumbrances. The applicant shall warrant the system to be free from defects and shall be responsible for any losses, damages, or costs incurred by the District due to the design, construction, inspection, and testing of the additional water system. Warranty on newly constructed water system shall be valid for at least **one-year** following date of acceptance of system by District.

Once the District Engineer and Administrator mutually agree that all applicable provisions of this section have been met and all fees have been paid in full to the District, the District Administrator may submit a recommendation to accept the water system and easements to the Board of Directors.

Upon the District Engineer and Administrator's recommendations the Board of Directors may consider acceptance of the newly constructed water system and easements.

#### **Section 304 - Pump Station Construction Minimum Requirements**

Pump station construction shall be limited to extreme necessity, even in cases where this may increase the initial construction cost. The District Engineer shall determine if the necessity exists. If a pump station(s) is deemed necessary it shall meet all ADEQ requirements, Arizona Administrative Code Title 18 Guidelines, District Staff requirements, and the following minimum requirements: redundant pumps and controls, auto start diesel fueled back-up generator with automatic transfer switch, audio and visual alarms for high level, low level, AC power failure, pump off failure, generator failure, level control failure, moisture in motor, motor overheating. The station shall be equipped with an automatic telephone dialer, ultrasonic level control with back-up float switches, lighting, potable water, and magnetic flow meter with circular chart recorder, signage (per District requirements); the underground access portion of the station shall be equipped with all safety items to allow safe entry of personnel including confined space entry blowers, toxic atmosphere test equipment, ladder and safety harness and man-rated winch; redundant pumps such that the station can meet peak demand with one pump out of service; proper drainage; security fencing and gate conducive to blending with the aesthetics of the surrounding area; landscaping with drip style sprinkler system conducive to blending with the aesthetics of the surrounding area; as well as any other local, State, and/or Federal requirements. An approval of the style of fencing and landscaping should be obtained from the local homeowner's association, if applicable, prior to the design submittal to the District.

The District shall approve all equipment proposed for use in the pump station. The approval of the District shall not relieve the applicant of responsibility for insuring all equipment is compatible with the applicant's pump station design. The District recommends the applicant meet with the District staff during initial design stages of the pump station to discuss proposed equipment and design concepts.

#### **Section 305 - Water Meter and Backflow Prevention Device Installation**

The District shall install all water meters and backflow prevention devices. The appropriate water meter size, style, manufacturer and/or model shall be approved by the District.

The cost of the water meter, backflow prevention device and installation shall be determined by the District and paid for by the property owner to the District as part of the hook-up fee.

The standard above ground backflow device (double check valve used for domestic and irrigation) is included with the meter installation and if the homeowner wishes to have a below ground backflow device installed it will be provided and installed by the District's operator at the homeowner's expense.



Water meter may be installed in **3 business days** once the Application for Water Service is completed and approved, and all applicable fees have been paid to the District.

Installation may extend beyond **3 business days upon written request for the property owner** at the written request of the property owner, or their designated representative.

Unauthorized persons or entities shall not tamper with water meters or backflow prevention devices in any way. District authorized personnel shall perform all water meter and backflow prevention device installation, repairs, replacement or readings. A property owner, tenant, or water user may read the meter display, but shall not adjust, shut *off*, turn on, or tamper with the meter or backflow prevention device.

#### **Section 306 - Separate Connection Required**

A separate and independent service line connection shall be provided for every building, except where one building is part of the main dwelling but stands at the rear of another on an interior lot and no service line can be reasonably constructed to the rear building through an adjoining alley or easement. In the latter event, the building water service line from the front building may be extended to the rear building and the whole considered as one service line connection. The District will not assume any obligation or responsibility for damage caused by or resulting from any such single building water line, which serves two buildings.

#### **Section 307 - Building Elevation**

Whenever possible, the water service line shall be brought to the building at an elevation to allow flow from the District water line. When this is not possible the building shall have water lifted by an approved means. The ownership, design, installation, repair, maintenance, and replacement of the equipment and facilities necessary to lift the water are the sole responsibility of the property owner.

#### **Section 308 - Water Line Backflow Prevention**

Every building with plumbing fixtures of any type shall install a backflow prevention device to prevent backflow of water.

The standard above ground backflow device (double check valve used for domestic and irrigation) is included with the meter installation and if the homeowner wishes to have a below ground backflow device installed it will be provided and installed by the District's operator at the homeowner's expense.

#### **Section 309 - Private Wells**

Private wells are not allowed.

## **ARTICLE IV**

### **NEW OR MODIFIED WATER SERVICE**

#### **Section 401 - General**

All properties developed within the boundaries of the District are required to properly connect to the District's water system for all domestic use on that property. Domestic water use includes water for normal household purposes, such as drinking, food preparation, bathing, washing clothes and dishes, flushing toilets, and watering lawns and gardens. Domestic water use means water for the house, buildings and irrigation within the building envelope.

No person shall uncover, make any connections with or opening into, use, alter, or disturb any District water line, hydrant, water meter, backflow prevention device or appurtenances without first receiving the appropriate required permits and the approval from the District Administrator.

#### **Section 401.A - City of Prescott Approvals**

The City of Prescott provides the main water supply to the District's water system. As part of this service, the City requires all properties connecting to the District's water system pay the City's applicable Buy-in Fee. The calculation and rate of the fees are at the sole discretion of the City.

All City of Prescott fees are calculated by the City, but are collected by the District from the property owner and shall be paid prior to the approval or issuance of a building permit by Yavapai County. It is the property owner's responsibility to supply the City of Prescott all plans and documents that are necessary to calculate the fee, based on the City's requirements. After making application to the District, the property owner shall contact the City to obtain a written form or document, issued by the City, which states the dollar amount due to the City for that particular parcel's connection.

#### **Section 402 - Account Activation**

Account activation shall begin upon approval of the submitted Application for Water Service and prior to making application for a building, tenant improvement, or change of use permit with Yavapai County.

Applicable fees will be charged upon account activation. Late fees will apply to accounts with outstanding balances at the time the permit is applied for with Yavapai County.

#### **Section 403 - Permit for Water Service - New Service and Modifications to Existing Water Service**

A Permit for Water Service form may be obtained by contacting the District office.

Prior to making application for a building, tenant improvement, or change of use permit with Yavapai County the property owner, or their designated representative, shall obtain an approved Permit for Water Service from the District. In the case of an existing structure the capacity and approved Permit for Water Service shall be obtained prior to making a connection. Late fees will apply to accounts with outstanding balances at the time the permit is applied for with Yavapai County.

A permit shall be submitted for each connection, or in the case of properties making modifications for expansion, tenant improvement, and/or change of use, an application shall be submitted for each modified property.

The property owner shall submit a completed Permit for Water Service in the District's water system. The permit shall be supplemented by information considered important in the judgment of the Administrator. The property owner shall pay the applicable fees for each permit to the District prior to or at the time of receiving an approved permit. Late fees for residential service shall be calculated in accordance with the most current District Resolution.

All applicable fees shall be paid in full to the District prior to an application approval.

When applying for a building permit with Yavapai County, the property owner, or their designated representative, shall submit one copy of the completed and approved Permit for Water Service to the County.

#### **Section 404 - Water Meter and Backflow Prevention Device**

The District shall install all water meters and backflow prevention devices. The appropriate water meter and backflow prevention device size, style, manufacturer and/or model shall be approved by the District.

The standard above ground backflow device (double check valve used for domestic and irrigation) is included with the meter installation and if the homeowner wishes to have a below ground backflow device installed it will be provided and installed by the District's operator at the homeowner's expense.

The cost of the water meter, backflow prevention device and installation shall be determined by the District and paid for by the property owner to the District.

Water meter may be installed in **3 business days** once the Application for Water Service is completed and approved, and all applicable fees have been paid to the District. Installation may extend beyond **3 business days** upon written request of the property owner.

Unauthorized persons or entities shall not tamper with water meters or backflow prevention devices in any way. District authorized personnel shall perform all water meter installation, repairs, replacement, or readings. A property owner, tenant, or water user may read the meter display, but shall not adjust, shut off, turn on, or tamper with the meter or backflow device.

#### **Section 405 - Temporary Hydrant Use of Water**

No water from the Highland Pines Domestic Water Improvement District's water system shall be sold for use outside of the Highland Pines subdivision without prior approval by the Board of Directors and written consent from the District Administrator.

The District may sell water on a temporary basis using a hydrant meter that shall be installed and monitored by the District's water operations staff. A written request from any person or firm seeking the temporary use of

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water shall be submitted to the District Administrator. A District representative will install the hydrant meter within **2 business days** on a hydrant location determined by the District representative; \$1,000 deposit. Remaining deposit will be refunded to applicant within 10 days. \$135 Activation fee; \$125 Flat Fee; Additional \$1,000.00 fee.

The District will initially deduct \$135.00 (non- refundable) from the deposit for the activation of the hydrant meter and the account. Water pumped from the meter will be monitored and recorded by the District's representative. Charges for water usage will be calculated at a rate of 1 ½ times the user fee rate beginning with the first gallon sold plus \$125.00 flat rate for each 30-day period the account remains active (beyond the initial 30-day period). Charges will be deducted from the deposit according to the District representative's recorded usage along with all flat rate charges and the remaining deposit shall be refunded to the applicant within 10 days. If charges exceed the initial \$1,000.00 deposit, then a second \$1,000.00 deposit shall be collected from the applicant prior to additional water being sold.

Unauthorized persons or entities shall not tamper with hydrant meters in any way. District authorized personnel shall perform all hydrant meter installation, repairs, replacement or readings. The applicant may read the meter display, but shall not adjust, shut off, turn on, or tamper with the hydrant meter or its appurtenances in any way.

## **ARTICLE V**

### **DISTRICT FEES**

**DISTRICT FEES:** All District fees run with the land and are the sole responsibility of the property owner, whether occupied by the owner or a lessee. It is the property owner's responsibility to notify the District and the Yavapai County Assessor's Office of address changes. If communication mailed from the District is returned by the Post Office as undeliverable the District shall attempt to research Yavapai County records for another address. Research fees will apply.

#### **Section 501- Account Activation**

Account activation shall begin upon installation of the water meter. Late fees will apply to accounts with outstanding balances at the time the permit is applied for with Yavapai County. All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

#### **Section 502 - Hook-up Fees**

##### **Definition of Hookup Fee**

A hook-up fee is based on the cost of developing the water distribution and treatment facilities, and to install a water meter and backflow prevention device that are required to provide water to a particular water connection. The District shall collect a hook up fee from property owners requesting connection to the District's water system. Additional fees shall be collected if the property has or makes a change of use, expansion, or tenant improvement that require additional capacity as determined by the District, in accordance with the District Ordinance. Connection requests will not be considered on properties with delinquent fees.

Hook-up fees are charged to each account **upon activation or change of use**. Late fees will apply to accounts with outstanding balances at the time the permit is applied for with Yavapai County.

The hookup fees are the responsibility of the property owner and the right to water use runs with the land and is limited to the approved use.

All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

##### **Hookup Fee Rate**

The residential hookup fee is based on the most current District Resolution. The commercial hookup fee is equal to and based on a calculation pursuant to the City of Prescott guidelines and rates for the specific requested use.

#### **Section 503 - Permit Fees**

Permit Fees are for connection to the District's water system. This fee is to cover the District's administrative and operational costs involved to process the application and inspection.

Prior to construction and/or connection the property owner shall submit an Application for Water Service along with the hookup fee, permit fee, City of Prescott Buy-in Fee and any other applicable fees.

All fees shall be **paid in full** to the District prior to an application approval.

All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

##### **Permit Fee Rate**

Permit fees are established at a rate per Application for Water Service, as set forth in the most current District Resolution.

#### **Section 504 User Fees**

##### **User Fee Definition**

User Fees are proportionate shares of the cost of operation, maintenance, and replacement of a water treatment and distribution system, and may include the cost of administrators, surveyors, engineers, legal counsel and other persons as are reasonably necessary for the operation, maintenance and replacement of the system. These costs shall be allocated among all properties within the District, whether or not they are using water. **Billing may begin when the connection is made to the system. \$500 reconnect fee.** All user fees will be billed to, and are the sole responsibility of, the property owner, regardless of the occupancy of the structure. For unpaid user fees the District may send a Shut off Notice to property owners. A \$500.00 reconnection fee will be charged to the property and shall be paid to the District along with the unpaid user fees prior to reconnection.

**Minimum User Fee:** User fees for connected properties, but whose usage falls below the minimum cost per account for the District's operation and maintenance expenses shall be charged the Minimum Charge per account per month.

##### **Monthly Billing Cycle and Interest**

**User fee charges will be billed at the beginning of each month and due as specified on the bill.** Such charges will be delinquent if not paid within the due date. Delinquent service charges shall bear an interest charge pursuant to the Arizona Revised Statutes. Once delinquent, the District shall mail a Shut Off Notice to the property owner's last known address on file for that particular property with the Yavapai County Assessor's Office, and to the connected property location. A reconnection fee of \$500.00 shall be paid to the District along with all delinquent user fees prior to reconnection.

Any and all unpaid service charges and/or penalties may be collected by court action, together with all costs of action and attorney's fees.

All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

#### **User Fees Rates**

The User Fee Rate is established at a rate as set forth in the most current Resolution. The Minimum User Fee Rate is established at a rate per account per month, as set forth in the most current Resolution.

#### **Section 505 - Activation/Transfer Fee**

An activation/transfer fee will be charged to each account **upon activation, transfer of ownership or changes in the account name**. All fees and service charges shall be billed to, and the sole responsibility of, the property owner.

All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

#### **Activation/Transfer Fee**

The activation/transfer fee rate is established at a rate as set forth in the most current District Resolution.

#### **Section 506 - Late Fees, Delinquencies, Liens, and Interest**

A late fee may be charged if the payment of any fee prescribed by this article is delinquent. The late fee rate is established at a rate as set forth in the most current Resolution.

Delinquent service charges shall bear an interest charge pursuant to the Arizona Revised Statutes. Once delinquent, the District shall mail a Shut Off Notice to the property owner's last known address on file for that particular property with the Yavapai County Assessor's Office, and to the connected property location. A reconnection fee of \$500.00 shall be paid to the District along with all delinquent user fees prior to reconnection.

Any and all unpaid service charges and/or penalties may be collected by court action, together with all costs of action and attorney's fees. For accounts with fees delinquent **in excess of 90 days** the District may proceed with collections pursuant to the applicable Arizona Revised Statutes as follows:

- District may file a lien on the property if the fees are delinquent for more than **90 days**
- **\$500 re-connect fee**

At least thirty (30) days before filing the lien, the District shall provide written notice to the owner of the property and shall include a notice of an opportunity for a hearing before the Board of Directors or their designated officer. The notice of lien shall be personally served on the property owner or mailed by certified mail to the property owner's last known address or to the address to which the most recent property tax assessment was mailed. If the property owner does not reside on the property, the notice shall be mailed by certified mail to the owner's last known address.

The unpaid user fees are a lien on the property from the date of recording in the office of the County Recorder in the County in which the property is located until the fees and all costs are paid.

A sale of the property to satisfy a lien assessed pursuant to this section shall be made on a judgment of foreclosure and order of sale. The District may bring an action to foreclose the lien in the Superior Court in the County in which the property is located any time after recording. Failure to foreclose the lien does not affect its validity. The recorded unpaid user fees are prima facie evidence of the truth of all matters recited in the recording and of the regularity of all proceedings before the recording.

Unpaid user fees pursuant to this article accrue interest at the rate pursuant to the Arizona Revised Statutes.

The District shall add all costs incurred by the District including interest, attorney fees and costs in filing and enforcing the lien, to the unpaid user fees, and the costs are a liability of the property owner payable from the proceeds of the sale.

Prior assessment of unpaid user fees pursuant to this section does not bar a subsequent assessment pursuant to this section, and any number of liens on the same parcel of property may be enforced in the same action.

Additional capacity or connection requests will not be considered on properties with delinquent user, hookup or capacity fees.

All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

#### **Section 507 - Return Check Charge**

The District may charge a **\$25.00 return check fee** for all checks returned for Insufficient Funds. All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

#### **Section 508 - City of Prescott Buy-in Fee**

The City of Prescott provides the main water supply to the District's water system. As part of this service, the City requires all properties connecting to the District's water system pay the City's applicable Buy-in Fee. The calculation and rate of the fees are at the sole discretion of the City.

All City of Prescott fees are calculated by the City, but are collected by the District from the property owner and shall be paid prior to the approval or issuance of a building permit by Yavapai County. It is the property owner's responsibility to supply the City of Prescott all plans and documents that are necessary to calculate the fee, based on the City's requirements. After making application to the District, the property owner shall contact the City to obtain a written form or document, issued by the City, which states the dollar amount due to the City for that particular parcel's connection.

All District fees are the responsibility of the property owner, regardless if the property is leased, rented, loaned or unoccupied.

#### **Section 509 - Service Calls**

Service calls received from customers shall be processed as follows:

- If the cause of the problem is on the property owner's side of the meter, the property owner will be charged the actual cost for reimbursement of expenses by the District to repair. Charges due within **10 days** of invoice date.

## ARTICLE VI

### ANNEXATION OF TERRITORY TO THE DISTRICT

#### Section 601

Requests for annexation will be processed in accordance with State Law. Annexation requests shall be made to the District Clerk and must be approved by the Board of Directors and the City of Prescott prior to admittance into the District. All expenses incidental to the annexation shall be borne by the property owner and reimbursed to the District. Annexation into the District is required prior to connection to the District's water system. Reimbursement fees for annexation must **be paid in full prior to connection** to the District's water system.

A Petition for Annexation may be obtained by contacting the District office.

## **ARTICLE VII**

### **PROPER USE OF THE WATER SYSTEM**

#### **Section 701 - Damage to the Water System**

Any person who causes damage to the District's water system shall be liable to the District for all costs incurred to identify the cause and correct the damage and fines. The definition of damage may include but is not limited to repairs, additions, spillage of water, and illegal uses. Failure to notify the District, or correct the damage, or reimburse the District for the costs incurred shall be considered in violation of this Ordinance.

#### **Section 702 - Damage to be Reported: Tests and Analysis**

Every user of the District water system shall immediately report to the District any accident, negligent act or other occurrence that occasion to the District's water system. All tests and analyses of the characteristics of water and the water system shall be determined in accordance with the standards on file with the District.

#### **Section 703 - Remedies**

In addition to any criminal fine, which may be imposed for violation of any provision of this Ordinance, the person(s) or entities shall be liable for all charges, which may be assessed by the District. The District will assess charges based on the costs incurred by the District in surveillance, sampling and testing, for additional operating and maintenance expenses, and/or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized use and/or damage to the water system, plus overhead charges.

If the unauthorized use and/or damage is a threat to the public health, safety or welfare, the District may initiate an enforcement action without giving notice.

Upon notice of the final determination by the District of an assessment or order to correct an unauthorized use and/or damage, the responsible party shall tender the amount assessed within **10 days** of the date ordered by the District. In the event the unauthorized use and/or damage is not corrected or the assessment is not tendered, continued operation resulting in water usage is unlawful, and the use may be considered a public nuisance which may be adapted by order of a court of competent jurisdiction. This remedy shall be in addition to any other remedy.

#### **Section 704 - Federal Standards**

In the event that the Federal government promulgates rules or regulations applicable to the District, the Federal regulation shall supersede the *affected* portions of this Ordinance.



## ARTICLE VIII

### SEVERABILITY

#### Section 801

If any provision of this Ordinance is finally adjudicated invalid, the remaining provisions of this Ordinance shall not be affected thereby.