

CHAPTER 12
SEWER, SEWAGE

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CHAPTER 12

SEWER, SEWAGE

ARTICLE 12-1 DEFINITIONS

12-1-1 Definitions

Section 12-1-1 Definitions

- A. "Town" means Town of Duncan.
- B. "Council" means a five person board elected by town residents.
- C. "Proper Town Authority" means the town council, mayor or one charged with the responsibility to carry out the objectives of the town as outlined by the council.
- D. "Shall" means mandatory.
- E. "Permit" means any written authorization required pursuant to this or any other regulation of the town for the installation of any sewage works.
- F. "Sewage" or "Sanitary Sewage" means any and all waste substances, liquids or solids associated with human habitation, but excluding storm, surface and ground waters and industrial waste.
- G. "Industrial Wastes" means all wastewaters of the community excluding sanitary sewage and uncontaminated water.
- H. "Sewer" means a pipe or conduit for carrying sewage.
- I. "Public Sewer" means a sewer controlled by public authority.
- J. "Private Sewer" means a sewer, generally on private land, connecting a sewage source to the public sewer.
- K. "Storm Sewer" or "Storm Drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- L. "Sanitary Sewer" means a sewer which carries sewage and to which a storm, surface and ground waters are not intentionally admitted.
- M. "Natural Outlet" means any outlet into a watercourse, ditch or other body of surface or ground water.

N. "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently.

O. "Sewer Works" means all facilities for collecting, pumping, treating and disposing of sewage.

P. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

Q. "Sewer Connection" means the connection to the public sewer and the extension therefrom of the sewer to the property line at the alley or curb line of the street whichever is applicable, depending on the location of the public sewer.

R. "Sewer Connection Fee" means the initial sewer connection charge as set forth in this chapter and shall apply to all sewer connection to the public sewer after the effective date of this code.

S. "Garbage" means solid wastes from the preparation, cooking and dispensing of food and the handling, storage and sale of produce.

T. "Properly Shredded Garbage" means garbage that has been shredded to a degree that all particles will be carried freely under the flow conditions prevailing in the town's sewers, with no particles greater than one fourth (1/4") of an inch in any dimension.

U. "Suspended Solids" means solids that either float on the surface of, or are suspended in water, sewage or other liquids and which are removable by laboratory filtering.

V. "B.O.D." denoting biochemical oxygen demand, means 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 (PPM) in weight.

W. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

X. "User Charge" means the charge made to the recipient of sanitary sewer services by the town to defray the costs of operation, maintenance and replacement of the sewage collection and treatment facilities of the town.

Y. "User" means the person or persons using or required to use the town's sanitary sewer system whether or not the user is the owner of the property upon which are located the improvements that are connected to the sewer.

ARTICLE 12-2 GENERAL CONDITIONS GOVERNING SEWER INSTALLATIONS AND USE

- 12-2-1 Duties of the Duncan Town Council
- 12-2-2 Connection

Section 12-2-1 Duties of the Duncan Town Council

It shall be the duty of the Duncan Town Council to control and manage all matters pertaining to the sewage collection and disposal system of the Town of Duncan in conformity with all applicable federal, state, county and local laws and regulations set forth in this chapter, and any other Ordinances or Resolutions of the Town of Duncan, Greenlee County, Arizona. The council shall have general supervision over the town's sewer system, all real and personal property connected therewith and the employees thereof.

Section 12-2-2 Connection

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

ARTICLE 12-3 REGULATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS

- 12-3-1 Property Exempt
- 12-3-2 Septic Tanks or Other Means of Disposal Prohibited
- 12-3-3 Building Subject to Article
- 12-3-4 Private Sewage Systems

Section 12-3-1 Property Exempt

Any developed or improved parcel of property within the town as of the date of adoption of this chapter; or one upon which a dwelling unit has been erected which does not lie adjacent to or within one hundred (100) feet of a collector sewer, interceptor sewer or other sewer of the Town of Duncan is exempt from the operation of this section.

Section 12-3-2 Septic Tanks or Other Means of Disposal Prohibited

The use of septic or other local means of sewage disposal, within the town, except where such tanks presently exist, is hereby declared to be a public nuisance and is declared to be abated.

Section 12-3-3 Building Subject to Article

All buildings, except those exempt in section 12-3-1, within the town inhabited or used by human beings are to be connected with the sewage system of the Town of Duncan, unless the town is unable to provide sewer.

Section 12-3-4 Private Sewage Systems

In the event that the Town of Duncan is for any reason unable to provide sewer service to a parcel of property, a subdivision or other development, the town council may approve the installation of private sewage collection, treatment and disposal facilities provided that they meet, at a minimum, the requirements set forth hereafter and that the town will not within a reasonable period of time, be able to provide such sewer services:

A. No private sewage treatment plant may be approved by the Town of Duncan, installed or operated within the boundaries of the town unless the design and installation of said plant has been approved by the engineers for the Town of Duncan for conformity with the Standard Specification of the town. Further, such treatment plants must meet all standards of the Arizona Department of Health Services and Greenlee County.

B. No private treatment plant shall be allowed to discharge untreated sewage effluent into any surface or ground water within the Town of Duncan, and further, that all discharges from the plant when in full operation must meet all standards of the United States Environmental Protection Agency, Arizona Department of Health Services, Greenlee County and the Town of Duncan.

C. The responsibility for the operation and maintenance of any private sewage treatment plant located within the boundaries of the town shall be the responsibility of the installer of the plant and not the responsibility of the Town of Duncan. In the event any plant fails to operate properly or meet the specifications of the town, the Town of Duncan will immediately revoke the permit to operate said treatment plant.

ARTICLE 12-4 SEWER USE REGULATIONS

12-4-1	Water Other Than Sewage Prohibited
12-4-2	Certain Substances Prohibited
12-4-3	Oil or Sand Interceptions, Lint and Grease Traps
12-4-4	Maintenance of Interception
12-4-5	Sewage Requiring Special Treatment or Handling
12-4-6	Maintenance of Special Treatment Facilities
12-4-7	Control Manholes for Sampling and Measuring
12-4-8	Sampling and Measuring Procedures
12-4-9	Special Agreements
12-4-10	Check Valves
12-4-11	Improvements
12-4-12	Lift Stations and Special Facilities
12-4-13	Penalties

Section 12-4-1 Water Other Than Sewage Prohibited

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water, water used for air cooling purposes or unpolluted process water to any sanitary sewer.

Section 12-4-2 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, or fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- D. Any garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, 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 sewer works.

F. Any water or wastes have a pH lower than 5.5 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

G. Any water 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 wastes 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 operation might be such as to interfere with any phase of the operation of a sewage treatment plant of the Town of Duncan.

Each user that discharges any of the waters or wastes set forth in section 12-4-2, which causes an increase in the cost of managing the effluent or the sludge of the town's treatment works, shall pay for such increased costs.

Section 12-4-3 Oil or Sand Interceptors, Lint and Grease Traps

Grease traps shall be required at all public premises where food is served, such as restaurants, cafeterias and boarding houses.

Grease, oil or sand interceptors shall also be provided when, in the opinion of the proper town authorities, they are necessary for the proper handling of liquid wastes containing grease in excess of limits set forth in 12-4-2 of this section, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the proper town authorities and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.

Lint traps, approved by the town, shall be required on all lateral lines which contain or carry wastewater discharge from washing machines into the sewer system, except for private homes, apartments or condominiums.

Section 12-4-4 Maintenance of Interceptors

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 12-4-5 Sewage Required Special Treatment or Handling

In cases where the character of sewage or industrial waste from any manufacturing or industrial plant, building, or premises is such that it will damage the sewer system, or cannot be treated satisfactorily in the wastewater treatment plant, the town shall require such users to dispose of such waste and prevent it from entering the system.

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 town 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.

The admission into the public sewers of any 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 characteristics described in 12-4-2 of this section, or
- D. An average daily flow greater than two percent (2%) of the average daily sewage flow of the town, shall be subject to the review and approval of the proper town authorities, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
 - 1. Reduce the B.O.D. to two hundred fifty (250) parts per million and the suspended solids to two hundred fifty (250) parts per million by weight, or
 - 2. Reduce objectionable characteristics of constituents to within the maximum limits provided for in section 12-4-2 of this article, or
 - 3. Control the quantities and rates of discharge of such water or wastes.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of proper town authorities and the Department of Health of the State of Arizona; and no construction of such facilities shall

be commenced until said approvals are obtained in writing. Federal pretreatment regulations shall be enforced as applicable.

Prior to the connection of any industry's sewer to a sewer of the town, the industry and the Town of Duncan will develop and enter into an agreement that complies with the current U.S. EPA regulations and which has the approval of the EPA.

Section 12-4-6 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 12-4-7 Control Manholes for Sampling and Testing

When required by the proper town authorities, the owner of any property served by a private sewer carrying industrial wastes shall install and suitable control manhole in the private sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the proper town authorities. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Such analysis as may be required to insure compliance with sections 12-4-2 and 12-4-5 herein shall be provided by the owner, whenever deemed necessary by the proper town authorities.

Section 12-4-8 Sampling and Measuring Procedures

All measurements, tests and analysis of the characteristics of water and wastes to which reference is made in sections 12-4-2 and 12-4-5 herein shall be determined by the proper town authorities, in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole provided for in section 12-4-7, 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 nearest downstream manhole in the public sewer from the point at which the private sewer is connected.

Section 12-4-9 Special Agreements

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

Section 12-4-10 Check Valves

All property owners connected to the sewer system shall install check valves in their home's laterals or sign a waiver absolving the Town of Duncan of any liability for damage caused by sewage backing up into their homes and property because of their failure to install check valves. The Town of Duncan authorizes that notice be given to all property owners of this requirement to either install a check valve in the lateral to their property or to sign a waiver absolving the Town of Duncan of any responsibility or liability for damage to their property caused by a backup of sewage, which could have been prevented by the installation of a check valve. The Town of Duncan or its agents or employers shall not be responsible for the decision made by the property owner to properly install a check valve.

Section 12-4-11 Improvements

The owners of all property lying adjacent to a sewer of the Town of Duncan shall connect the improvements located upon their property directly to the sewer system of the town upon the payment of a hookup fee and an inspection fee. Said fees to be in an amount as approved from time to time by the Town Council in cash at the time of the connection to the sewer.

Section 12-4-12 Lift Stations and Special Facilities

If the hookup in any new subdivision requires a lift station or other special facility, said lift station or other special facility shall be installed in accordance with the standard specifications of the town at the expense of the owner. Such lift station or other facility shall be maintained and operated by the town at no cost to the owner when said lift station are installed in utility easements or dedicated rights-of-way.

Section 12-4-13 Penalties

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$500. Each and every day such violation continues shall be deemed and considered a separate offense. Any person, firm or corporation violating any provision of this chapter shall become liable to the town for any expense, loss or damage occasioned the town by reason of such violation.

ARTICLE 12-5 CONNECTION PERMITS AND NEW SEWER CONSTRUCTION IN NEW DEVELOPMENT

- 12-5-1 Standards Governing Connection Permits
- 12-5-2 Standards Applying To New Developments – Require Developer Pay For All Lines To the Sewer and Give Easements

Section 12-5-1 Standards Governing Connection Permits

All applications for new connections to the sewer system and for the development of new sewage collection and transmission systems with the town shall be made on a form of application approved by the town council. The following standards, rules and regulations shall govern the issuance of connection permits:

A. 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 relieve him of the responsibility. The issuance 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.

B. 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 town.

C. 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 water shall not be permitted to enter the sanitary sewer systems.

D. Construction Inspection. All sewer construction shall be inspected and approved by the town. No sewer trenches shall be backfilled except as authorized by the town after having been inspected and approved and the sewer installed.

E. Maintenance. The sewer connections, lines, systems or facilities constructed hereunder, or serving the facilities constructed hereunder, 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 a joint and several obligations against the property served, 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.

F. Indemnification. The permittee shall be solely responsible for and shall defend, indemnify and save harmless the town from and against any and all claims, incur, sustain or become liable for an 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 town from any claims or damages arising out of or in connection with the termination or revocation of this permit.

- G. Third Parties. This permit does not grant the right or authority to the permittee:
1. To construct or encroach upon any lands of the town or of any other parties, or
 2. To construct outside of the territorial boundaries of the town.
- H. Costs. It is expressly stipulated and clearly understood that the sewer system or facilities for which the permit is issued shall be constructed, operated and maintained at no cost to the town.
- I. Other Construction. The town reserves the right, privilege and authority to permit others to reconstruct, change, alter and replace all sewers and appurtenances thereto at the point of connection of any sewage system to a town interceptor or in public rights-of-way or town easements, and to introduce additional sewage flow through this connection into the intercepting sewer of said town.
- J. Change of Use. This permit shall be incorporated in the building permit for the building or building 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 town.
- K. Interceptors Overloading. The town serves notice that its interceptors 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.
- L. Nontransferability. This permit may not be assigned or transferred without the written consent of the town.
- M. Agreement. The permittee, in consideration of the town providing sewer services, agree to pay all sewer use charges levied by the town within twenty days of the mailing of the statement for the same by the town or its agents. In the event the permittee fails to make such payment when due, the permittee agrees that the town may record a lien against the interest of the permittee affected by this permit and that said lien may be foreclosed in the same manner as a mechanic's or materials man's lien. For purposes of this permit and any actions taken thereunder, the permittee hereby waives any claim of homestead or other exemption now or hereafter granted by law.
- N. Termination. It is understood and agreed that except as provided in section 12-6-7 for non-payment, in the event the permittee shall default in or fail to perform and carry out any of the covenants, conditions and provisions of this permit and such default or violation shall continue for sixty (60) days after receipt of notice thereof, in writing, given by the town, then it shall be lawful for the town, at or after the expiration of said sixty

(60) days, to declare said permit terminated. The permittee agrees that immediately upon receipt of written notice of such termination it will stop all operations, discontinue any discharges and disconnect the sewerage system or facilities constructed under this permit. If the permittee fails to do so, the town shall have the right to disconnect said system. The permittee hereby agrees to pay for any costs incurred by the town for said disconnections. The various rights and remedies of the town contained in this 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, ordinance and laws. An election by the town to enforce any one or more of its rights or remedies shall not be construed as a waiver of the rights of the town 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.

O. Expiration. This permit shall expire if construction has not started within six (6) months from the date of issue. Construction under an expired permit is deemed construction without permit. All construction under this permit shall be completed within one (1) year after start of construction. If conditions so warrant, an extension may be granted.

P. Revocation. In issuing this permit, the town 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.

Q. Advance Notice. Prior to commencement of construction under this permit, the permittee shall give the town an advance notice of at least two working days, when advance notice is given, the permittee shall provide the permit number.

R. Compliance with Plans and Specifications. All construction shall be in accordance with the plans and specifications, if any submitted for this permit, the general specifications of the town and the Uniform Plumbing Code. No changes in, or deviation from the plans and specifications which effect capacity, maintenance, design requirements, service area or permit requirements shall be permitted unless revised plans shall have been submitted to and approved by the town. The permit, together with a set of the plans and specifications, if any, (revised plans and specifications, if any,) shall be kept on the job site at all times during construction until final inspection and approval by the town.

S. Testing and Approval. All construction under this permit shall be subject to inspection, testing and approval by the town. 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 town. No sewer or other facilities shall be put in services until all the conditions of the permit have been satisfactorily met.

T. 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.

U. Required "As Built" Plans. All parties receiving a permit for connection of sewage facilities to the Town of Duncan's shall provide the town upon completion of the installations of the sewer system, installed by such parties a copy of reproducible, "as built" plans and specifications for the sewer system installed in accordance with the plans and specifications submitted at the time of application for the permit.

V. Required County Building Permit. All parties applying for a permit for connection of sewage facilities to the Town of Duncan's shall either have a valid, current building permit at the time of application for the sewer construction permit, or be qualified in all respects to receive said building permit; in such case, however, the applicant must have received the building permit from the Town of Duncan prior to making the physical connection to the sewer.

Section 12-5-2 Standards Applying To New Developments – Require Developer Pay for All Lines To the Sewer and Give Easements

In addition to the conditions set forth in section 12-5-1 herein, the following conditions apply to all new developments, subdivisions, all non-residential facilities, condominiums and apartments.

A. All applicants seeking to develop or improve any real property through the construction of any improvement greater in density and use than a single family dwelling on an already planted subdivision lot shall first submit to the town for preliminary approval copies of the preliminary plans for review by the town to insure compliance with its rules and regulations. In the case of any new subdivision, the preliminary plans for the subdivision must be submitted to the town at the same time it is submitted to the county for county approval.

B. Before the town will approve or execute an agreement to accept sewage acceptable to the Arizona Department of Health Services, the applicant shall have complied with all applicable rules and regulations of the town and paid all fees as required by the town pursuant to its rules and regulations.

C. It shall be the duty of the applicant developing the property to provide or construct all sewer lines connecting the improvements located upon the property to the existing town sewer systems, including the construction of new collector sewers, both on and off site, to extend the town's sewer lines to the property under development. The applicant must provide to the town all such sewer lines, as well as all easements necessary to insure a continuous public right-of-way along all sewers to be maintained and operated by the town, at no cost to the town.

ARTICLE 12-6 FEES AND CHARGES

- 12-6-1 Monthly Fees (Sewer Charge)
- 12-6-2 Connection Fees
- 12-6-3 Inspection Fees
- 12-6-4 Special Provisions Regarding New Subdivisions and Developments
- 12-6-5 Preliminary and Final Plan Check Fees
- 12-6-6 User Charge System
- 12-6-7 Responsibility for Payment of Sewer Charges
- 12-6-8 Disconnect for Delinquency
- 12-6-9 Reconnect Charge

Section 12-6-1 Monthly Fees (Sewer Charge)

The base rate to each user will be \$25.00.

Based on the water usage during the winter months there will be an additional charge of \$1.28 per every 1,000 gallons used, with no minimum.

The initial connect charge on a newly constructed residence will be \$650.00 and \$1,000.00 on a newly constructed commercial building with or without multiple units.

The above rates will be in effect upon adoption of this code and at which time they will be reviewed and adjusted as needed.

Section 12-6-2 Connection Fees

A. Residential Connections:

- 1. single-family unit \$650.00 per first 20 ft.
- 2. multiple-family unit \$850.00 per first 20 ft.
- 3. condominium unit \$1000.00 per first 20 ft.
- 4. after the first twenty (20) feet, an additional fee of six dollars will be charged.

The fees for a permit to connect any improvement to the Town of Duncan's sewer system shall be six hundred and fifty dollars (\$650.00) plus six dollars (\$6.00) per foot in excess of twenty feet required for connection. The council may from time to time fix the rates and classification for connection fees within the town and shall make such rules and regulations as may be necessary to properly administer and enforce this chapter by resolution of the town council.

Said fees are payable at the time of application for the connection permit and are to be used to pay all or part of the costs of operation and maintenance, bond retirement, contract fees or installing other main line sewer in the town as and when designated by the Duncan Town Council.

All new hookups to the sewer occurring after the date of adoption of the code shall be required to pay any and all fees in accordance with this chapter.

Section 12-6-3 Inspection Fee

The inspection fee for each connection shall be \$25.00. This inspection fee shall be payable in addition to the connection fee described in section 12-6-2 and payable at the time of payment of the connection fee.

Section 12-6-4 Special Provisions Regarding New Subdivisions and Developments

The provisions of this section shall apply to any new subdivision, business or industrial development in addition to the other provisions of these rules and regulations.

- A. For services of residential subdivisions, the connection fee shall be the sum of \$300.00 per lot payable in cash at the time of execution of the written agreement between the subdivision owner and the Duncan Town Council for sewer services.
- B. Acceptance by the Town of Duncan and any proposed agreement for sewer service pursuant to the provisions of paragraph A. above is conditioned upon the economic feasibility or providing sewer service as may be determined by the Duncan Town Council.
- C. Where pipe size is greater than those necessary to serve the entire development as required by the town, the Town of Duncan shall credit against the connection fee the costs over and above the normal cost of installation of the facilities an amount equal to the difference in cost between the oversized facility and the facility that would be required by the subdivision. In no event shall this authorize a cash payment from the Town of Duncan to the owner.

Section 12-6-5 Preliminary and Final Plan Check Fees

Before any preliminary or final plans for new sewer connections or hookups are approved by the town's building inspector, the applicant must have paid the application fee and connection fee.

The application fee for each application will be determined by the town based upon the building inspector's estimate of the cost of the plan check in light of the conditions, quality

and complexity of the plans. This fee shall be paid prior to the town's building inspector's plan check and shall be separately charged and collected for each set of plans submitted to the town by the applicant for subdivision or other approval.

Section 12-6-6 User Charge System

A. User Charge System Description. The Town of Duncan Wastewater Treatment Plant is primarily flow dependent. Therefore, the following equation will be used to compute user charges.

$$CU = (CT/VT) VU$$

Where CT = total O & M costs per year

CU = user's charge for O & M per year

VU = sewage volume contribution per sewer per year

VT = total sewage volume contribution, for all users, per year

In the event B.O.D., suspended solids or their pollutant concentrations from a user exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge added to the base charge (above) will be levied. The following equation will be used to compute user surcharge.

CS = a surcharge for wastewaters of excessive strength

BC = O & M for treatment of a unit of biochemical oxygen demand (B.O.D.)

B = concentration of B.O.D. from a user above base level

SC = O & M cost for treatment of a unit of suspended solids

S = concentration of SS from a user above a base level

PC = O & M cost for treatment of a unit of any pollutant

P = concentration of any pollutant from a user above a base level

B. User Charge System Implementation. Sewage volume contributions. Since most of the sewer users are metered for domestic water supply, sewage volume contributions will be based upon water usage rates during December and January. Water usage rating will be furnished by the Town of Duncan Water Company on a yearly basis.

The Town of Duncan will, yearly, determine sewage volume contributions as per the following methodology. User charges will be implemented in the fiscal year immediately following their determination.

VU for a metered water user = $6VW$ where VW = volume of water used by a metered water user in December and January.

VT for metered water users = sum of VU for all metered water users.

The sewage volume contributions for a non-metered water user will be assumed to equal the average sewage volume contribution for a metered water user, therefore:

VU for a non-metered user = VT for metered water users/number of metered water users.

VT for non-metered water users = sum of VU for all non-metered water users.

Total estimated sewage volume contributions for metered water users are then added to calculate the total sewage volume contributions for all sewer users, hence:

$VT = VT$ for metered water users + VT for non-metered water users.

C. Financial Management. The Town of Duncan will maintain an adequate financial management system which will accurately account for O & M and replacement revenues and expenditures. The accounting system will segregate O & M and replacement revenues and expenditures from other wastewater revenues to assure adequate revenue to properly operate and maintain the treatment works. The user charge rates will be revised as needed to generate sufficient revenue to pay the total O & M and replacement costs.

1. User Charge Rates. Rates for users or user classes shall be reviewed annually and periodic rate changes shall be established by resolution of the mayor and council.
2. Wastewater Treatment By-Products. All revenue from the sale of treatment-related products will be used to offset the O & M and replacement costs. User charges will be proportionately reduced for all users. Total annual revenues received from the sale of by-products shall be credited to the O & M and replacement costs no later than the fiscal year immediately following their receipt.
3. Notification of Users. Each user will be notified at least annually in conjunction with a regular bill of (1) the rate and (2) that portion of the user charges which are attributable to wastewater treatment services.
4. Inconsistent Agreements. The user charge system shall take precedence over any terms or condition of agreements or contract which are inconsistent with the requirements of this policy and Section 204 (b) (1) (A)

of the Clean Water Act. Any pre-existing agreements which levy charges less or more than that which would be collected by an approved user charge system will not be acceptable.

Section 12-6-7 Responsibility for Payment of Sewer Charges

All sewer charges shall be due on or before the tenth (10th) day of the succeeding month. Bills shall become delinquent on the twentieth (20th) day of the succeeding month, and service may be discontinued on the twentieth (20th) day. The town reserves the right to vary dates or length of billing period, temporarily or permanently, if necessary or desirable. Sewer charges shall be payable by and billed to the owner of the property upon which are located the improvements which are connected to the sewer or the user of the sewer system whether or not the user is the owner of the property upon which are located the improvements that are connected to the sewer. The town council shall determine whether the owner or the user is to be billed the use fee based upon factors such as the ownership of the improvements, the physical location of the owner and the user, the severability of the improvements located on the same property and the previous payment records for user fees previously charged against the same sewer connection. All charges not paid when due shall be added to and included in the following billing, with interest at the rate of eighteen per cent (18%) per year on the unpaid balance.

Section 12-6-8 Disconnect for Delinquency

Prior to terminating service for non-payment of amounts due, the town will give written notice to the consumer and provide an opportunity for a hearing for such consumer with the town manager or designee.

Section 12-6-9 Reconnect Charge

Whenever the town shall have disconnected any sewer service for failure to pay the sewer charge, the property shall not be reconnected to the sewer system until all delinquent sewer charges are paid in full, together with a re-connection charge of twenty-five dollars (\$25.00). In addition to said re-connection charge, the town may require a deposit to cover future sewer services in an amount not to exceed one year's estimated sewer charges before the property is reconnected to the sewer system. All labor, material and equipment costs incurred to disconnect and reconnect shall be billed to the owner in addition to the re-connection charge.

ARTICLE 12-7 MISCELLANEOUS

12-7-1	No Person Shall Damage or Tamper With Sewage Works
12-7-2	Use of Town Funds
12-7-3	Easements
12-7-4	Construction Specifications
12-7-5	Effective Date

Section 12-7-1 No Person Shall Damage or Tamper With Sewage Works

That 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 12-7-2 Use of Town Funds

Funds of the town may be used to aid in the construction of offsite sewers (not on the property in question) when:

- A. Town funds are available;
- B. Town funds can be used to service the greatest number of occupied dwellings within the town limits;
- C. Additional sewer diameter is required by offsite consideration;
- D. It is necessary to extend sewers to areas of existing habitation that have formed an assessment area.

Town funds will not be available for sewer construction to new or proposed subdivisions except for the additional sewer diameter that may be required by offsite considerations.

When special conditions (hardships) cause costs to be out of proportion to benefits when compared to other parts of the town, the town council may consider, upon application of the property owner, funding all or a portion of certain sewer lines.

Section 12-7-3 Easements

- A. All property owners desiring the connection of the improvements on their property to the sewer system of the Town of Duncan shall grant to the town, at no charge to the town, those easements necessary, to properly effectuate the sewer connection desired, and provide the town with a right-of-way over and along all sewer it will operate and maintain.

B. All easements granted to the town shall be subject to the following restrictions and conditions of use:

1. No person, firm or corporation having charge of property subject to easement in favor of the Town of Duncan, shall hereafter construct, build or establish a building upon the property subject to said easements. 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 owner of the property subject to an easement in favor of the Town of Duncan construct a building thereon, in violation of this code, the town may employ individuals to clear said property, and charge the costs of the same to the owner of the property. Nothing contained herein shall oblige the Town of Duncan to compensate the owner of the property subject to the easement for the value of a "building" cleared. The town 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 the Town of Duncan without having first obtained a permit therefor as herein required. Such permit shall be issued by the town and shall be signed by the town's building inspector. Applications for a permit to excavate upon property subject to easements in favor of the Town of Duncan shall be made in writing to the town and shall state thereon specifically the size of the space intended to be excavated, and the purpose for the excavation.
4. No person shall plant any trees or shrubbery upon the property subject to the easement in favor of the town without having secured a permit therefore. Applications for such permit shall be made to the town. All trees and shrubs so planted shall be placed subject to the direction and approval of the town. No boulders, benches or fences shall be built or maintained upon the property subject to the easement in favor of the Town of Duncan, unless approved by the town council.
5. In the event any improvements are constructed within the boundaries of the easement and these create any additional costs to the town because it must incur additional expenses to repair, install or replace its sewers, the property owner shall be charged 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 Town of Duncan, provided that in the event it becomes necessary for the town to do any work within said easement the property owner shall pay the costs of moving the mobile home, if necessary.

Section 12-7-4 Construction Specifications

All sewer laterals, house laterals or other connections or connecting sewers which adjoin or connect into any portion of the Town of Duncan's sewer system shall be constructed in accordance with the Uniform Plumbing Code.

Section 12-7-5 Effective Date

The charges fixed by this regulation shall become effective as of the adoption of this code.

ARTICLE 12-8 GENERAL

12-8-1 General

Section 12-8-1 General

If any section, paragraph, subdivision, sentence, clause or phrase of these rules and regulations shall for any reason be here illegal or unenforceable, such decisions shall not effect the validity of the remaining portions of these rules and regulations. The town council of the Town of Duncan hereby declares that the town would have adopted these rules and regulations, each and every section, paragraph, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses or phrases of these rules and regulations may be held illegal, invalid or unenforceable.

The town hereby authorizes its attorneys, agents and employees to take all steps as are necessary to enforce these rules and regulations.