

NACO SANITARY DISTRICT BY-LAWS

(For reference use. Revised 01/06/2004)

SEWER

DEFINTIONS:

In this chapter, unless context otherwise requires:

A.	B.O.D. (Biochemical Oxygen Demand)	The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade expressed in parts per million (ppm) in weight.
B.	Building Connection or House Connection	The connection to the public sewer and the extension therefrom of the sewer to the property line at the alley or the curb line of the street, whichever is applicable, depending on the location of the public sewer.
C.	Building sewer or House sewer	The extension from the building drain to the building connection or other place of disposal.
D.	Industrial Wastes	The liquid wastes from industrial processes as distinct from sanitary sewage.
E.	PH	The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
F.	Properly Shredded Garbage	Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-fourth inch in any dimension.
G.	Public Sewer	A sewer controlled by public authority.
H.	Sanitary sewer	A sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.
I.	Sewage Treatment Plant	Any arrangement of devices and structures used for treating sewage.
J.	Sewage Works	All facilities for collecting, pumping, treating, and disposing of sewage.
K.	Sewer	A pipe or conduit for carrying sewage.
L.	Sewer connection	The connection to the public sewer and the extension therefrom of the sewer to the property line at the alley or the curb line of the street, whichever is applicable, depending on the location of the public sewer.

ARTICLE 13.2: CONNECTION FEES; RATES; RESPONSIBLE PARTY; EXEMPTIONS AND APPEALS

13.2.1. Application for Service

No sewer connection connecting the Naco Sanitary District to any premises shall be made by any person except upon written application furnished to Naco Sanitary District by the owner of the premises to which sanitary sewer service is to be furnished, or his authorized agent.

13.2.2 Monthly Fees and Rates

\$18.00 Per Residential on Property and an additional \$18.00 Per Residence on same Property

Rates (0-01-19)

Rates charged for units of contribution are expressed as follows and shall be assessed monthly and collected monthly as of the date of the billing, in accordance with the following schedule:		
a)	Residential	\$18.00
b)	Commercial (No residential occupancy) Classes:	
	1. Small retail, professional and office business	\$30.00
	2. Small restaurants, cafes, snack bars, etc.	
	3. Hotels, motels, bed & breakfast, and all other transient lodging, including RV parks (based upon estimated average occupancy)	\$30.00
	4. Residential Trailer Park Trailer Hook-ups	\$6.50
	5. Unoccupied Residence	\$18.00
	6. Mixed business and residential occupancy shall pay the <u>sum</u> of the applicable business rate <u>plus</u> the number of residential units. Mixed business occupancy shall pay the sum of applicable uses.	\$6.50

2. Discharge into Sewer System Other Than By Permanent Connection, Septic Tank Wastes Permits, Permits Required

- a. It shall be unlawful for any person to discharge any waste of any kind into a the Naco Sanitary District Sewer System other than through a permanent connection approved by the Naco Sanitary District for residential, commercial or

industrial use, without obtaining a permit for such discharge from the Naco Sanitary District.

- b. It shall be unlawful for any person to discharge any waste material pumped from any septic tank into the Naco Sanitary District System.

3. Penalty for Non-payment of Fees

- a. The board shall regulate and change the rates by ordinance as it becomes necessary to meet the obligations of the Naco Sanitary District for the sewer system.

4. Due Date of Fees

- a. The Sewer user's fee shall be billed on a **monthly, bi-annually, or annual basis**. All fees shall be due and payable as of the date of billing. A service charge shall be added to all accounts for which full payment (including prior penalties) is not received **on or before the last day of the month**. The service charge shall be four dollars (\$4.00) for each month in which full payment is not received by the last day of the month.

5. Property Owner Responsibilities

- a. Real property owners, as recorded in the official Cochise County records shall be responsible for the fees imposed notwithstanding private lease or rental agreements to the contrary. It shall be the responsibility of the property owner to notify the Naco Sanitary District in writing, within 30 days of the sale of any property, and to provide information necessary to change the Naco Sanitary District records, including the name and address of new owner and property identification number.
- b. Any real property owner who has an unpaid balance (including all fees and penalties), or who has failed to pay any outstanding balance (including all fees and penalties) within ninety (90) days of billing, shall be notified in writing by the Naco Sanitary District

ARTICLE 13.3 SEWER HOOK-UPS

A sewer hookup fee, as provided by resolution of the Board shall be made for each hook-up.

A. The following policy and guidelines are hereby established for sewer hook-ups:

1. The owner or agent of the property desiring to connect to the Naco Sanitary District sewer shall, at their own expense, bring their line to the point of connection to the Naco Sanitary District sewer main and shall make said connection at the sole cost of the owner.
2. The basis of the term connection shall be defined as a single family residential

unit equivalency. Each small commercial unit requiring a four inch line or less, each single apartment, each single mobile home, each residential portion of a duplex or triplex and each trailer park or recreational vehicle park space shall be considered equivalent to one single family residential unit equivalency.

3. The following per unit fees shall be charged prior to connection to the Naco Sanitary District sewer system as follows:
 - a) For each four inch line a fee of \$500.00 will be charged for the first residential unit, plus a fee of \$125 for each additional unit.
 - b) For each two inch increase in line size, the first unit fee shall double from the next previous size, plus and additional \$125.00 for each additional residential or commercial unit thereafter.

Administrative Fees:

All persons owing payments to the Naco Sanitary District shall pay administrative fees for the following expenses:

- A. Clerical, copying, postage, printing, printing and filing of liens in the sum of \$6.00 for each semi-annual billing.
- B. Lien releases for early pay-offs of assessments in the sum of \$25.00

Such Fees shall be chargeable beginning January 1, 2002.

ARTICLE 13.4 DEPARTMENT AND CONSUMER RESPONSIBILITIES

13.4.1 Naco Sanitary District Responsibilities and Liabilities

- A. The Naco Sanitary District shall not be responsible for the installation, maintenance, and/or inspection of the consumer's service line, piping and apparatus or for any defects therein.
- B. The Naco Sanitary District shall have the right to refuse service, unless the consumer's lines or piping are installed in such manner as to prevent cross connections or backflow.
- C. Under normal conditions, the consumer shall be notified of any anticipated interruption of service.
- D. The Naco Sanitary District shall not be responsible for the negligence of third persons or forces beyond the control of the Naco Sanitary District resulting in any interruption of service or damage to the property of the consumer.
- E. The Naco Sanitary District may refuse service to any prospective consumer when

the capacity of the sewer system will not permit additional loads being placed thereon.

13.4.2 Consumer Responsibility

- A. Building or house sewer connections on the consumer's premises shall be arranged as to provide service to one lot. If additional service is required, it will be considered as a separate and individual account.
- B. The consumer's house or building service line, sewer connection and apparatus shall be installed and maintained by the consumer, at the consumer's expense, in a safe and efficient manner and in accordance with the Naco Sanitary District rules and regulations and in full compliance with the regulations of the State Department of Health Services. Failure to comply with such regulations relieves the Naco Sanitary District of any and all liability from injury or damage proximately caused therefrom.
- C. The consumer shall safeguard the Naco Sanitary District property placed on the consumer's premises and shall permit access to it only by the authorized representatives of the Naco Sanitary District.
- D. In the event that any loss or damage to the property of Naco Sanitary District or any injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents or employees, the cost of necessary repairs or replacements shall be paid by the consumer to the Naco Sanitary District and any liability otherwise resulting shall be assumed by the consumer.
The amount of such loss or damage or the cost of repairs may be added to the consumer's bill.
- E. The Naco Sanitary District may discontinue sewer service for the following Additional reasons:
 - 1. To prevent fraud or abuse.
 - 2. The consumer's willful disregard of or refusal to comply with this chapter or Other rules as may be adopted by the Board.
- F. When service to a consumer shall require the laying of any Naco Sanitary District sewer lines or the installation of any other Naco Sanitary District property on, under, across or over the consumer's property, the consumer will grant to the Naco Sanitary District an easement, right-of-way or license for such installation.

13.4.3 Interference with Officers of the Naco Sanitary District

It is unlawful for any person:

- A. To interfere in any way with the officers of the Naco Sanitary District in the discharge of their duties, either in the tapping of any sewer pipe, main or lateral belonging to the Naco Sanitary District or in the laying or connection

of such pipe, main or lateral.

- B. To dig up or cause to be dug up any street or alley in the Naco Sanitary District for the purpose of connection with the sewer system of the Naco Sanitary District without first obtaining a permit from the Naco Sanitary District.

13.4.4. Unsanitary Disposal of Excrement Prohibited

- A. It is unlawful for any person to deposit or permit to be deposited in an unsanitary Manner upon public or private property within the Naco Sanitary District , or in Any area under the jurisdiction of the Naco Sanitary District, any human or animal excrement or other objectionable waste.
- B. It is unlawful to discharge to any natural outlet within the Naco Sanitary District Or in any area under the jurisdiction of the Naco Sanitary District any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

13.4.5 Private Sewage Systems

- A. Compliance with article. Except as provided in this article, it is unlawful to Construct or maintain within the Naco Sanitary District and privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of Sewage.
- B. When permitted; Sanitation. Where a public sanitary sewer is not adjacent to the premises, the building sewer shall be connected to a private sewage disposal system, which complies with the regulations of the State Department of Health Services. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner. Where circumstances of grade, terrain or similar condition prevent the ordinary hook-up to a public sanitary sewer adjacent to the premises, the Naco Sanitary District may, in writing, waive the requirement to connect. In this event, all regulations regarding connection to private sewage disposal system shall apply.
- C. Discontinuance. Within one year after a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this chapter, and any septic tanks, cesspools and similar private sewage facilities shall be abandoned and filled with suitable material. The Naco Sanitary District shall notify all owners when service is available, and the one year time limit specified in this subsection shall run from the date of said notice.

13.4.6 Tampering with Equipment Prohibited

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

13.4.7 Permit Required

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Naco Sanitary District.
- B. Upon issuance of a required permit to any person, each and every permit issued shall be presented by the person to the Naco Sanitary District and application made for the building connection.

13.4.8 Building Connections

- A. No building sewer will be connected to the building connection until it has been inspected and approved by the Naco Sanitary District.
- B. The clerk shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner of the property, his agent or representative.

USE OF PUBLIC SEWERS

13.5.1 Prohibited Substances

- A. No person shall discharge or cause to be discharged any storm water, swimming pool water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer.
- B. Except as provided in this chapter no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:
 - 1. Any liquid or vapor having a temperature higher than one hundred fifty Degrees Fahrenheit.
 - 2. Any water or waste which may contain more than fifty parts per million by weight of fat, oil, or grease.
 - 3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive Liquid, solid or gas.

4. Any garbage that has not been properly shredded.
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits such as brick, cement, onyx, carbide 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.
6. Any waters 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.
7. 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.
8. Any noxious or malodorous gas or substance capable of creating a public Nuisance.

13.5.2 Interceptors Required

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the Naco Sanitary District, they are necessary for the proper handling of liquid wastes Containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients except that such interceptors shall not be required for private Living quarters or dwelling units.
- B. All interceptors shall be of a type and capacity approved by the Naco Sanitary District and shall be located as to be readily and easily accessible for cleaning and Inspection.
- C. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight.
- D. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

13.5.3 Preliminary Treatment

- A. Required. Where necessary in the opinion of the Naco Sanitary District, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:
 1. Reduce the B.O.D. to three hundred parts per million and the suspended Solids to three hundred fifty parts per million by weight.

2. Reduce objectionable characteristic or constituents to within the maximum Limits provided.
3. Control the quantities and rates of discharge of such water or wastes.

13.5.4 Special Agreements with Industrial Concerns

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Naco Sanitary District and any industrial concern

Whereby an industrial waste of unusual strength or character may be accepted by the Naco Sanitary District for treatment, subject to payment therefor by the industrial concern.

Article 13.6 Regulations Part Of Contract

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