

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, DECLARING THE DOCUMENT TITLED "2024 AMENDMENTS TO SCC TITLE 13, PUBLIC SERVICES AND UTILITIES, DIVISION I WASTEWATER" AS A PUBLIC RECORD, ADOPTING THE SAME BY REFERENCE, AND AMENDING THE SEDONA CITY CODE AS SET FORTH THEREIN; PROVIDING FOR PENALTIES, SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City deems it necessary to adopt certain amendments to Sedona City Code Title 13, Public Services and Utilities, Division I Wastewater to protect the health, safety, and welfare of the public.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. That certain document titled the "2024 Amendments to SCC Title 13, Public Services and Utilities, Division I Wastewater" ("SCC Wastewater Amendment"), of which one paper copy and one electronic copy are maintained, in compliance with A.R.S. § 44-701, on file in the office of the City Clerk as required by A.R.S. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record and said copies thereof are hereby ordered to remain on file with the City Clerk.

Section 3. Sedona City Code Title 13, Public Services and Utilities, Division I Wastewater is hereby amended as set forth in the SCC Wastewater Amendment, which is hereby referred to, adopted, and made a part hereof as if fully set forth herein.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the SCC Wastewater Amendment adopted herein is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

Section 6. Penalties:

A. Any person, operator or owner who shall violate any provision of this ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a Civil Offense or a Class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$2,500 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein. Violations relating to nonpayment of delinquent fees and charges shall not be subject to prosecution as a misdemeanor.

B. If any person discharges sewage, industrial wastes or other wastes into the city wastewater system contrary to the provisions of this ordinance, federal or state pretreatment requirements or any order of the director, the city attorney, subject to approval by the council, may commence an action for appropriate legal and equitable relief in the superior court of the appropriate county.

C. Any person, operator, or owner that has violated any provision of this ordinance is liable to the city for any expense, loss or damage occasioned by the city for reason of appropriate cleanup and proper disposal of waste materials. Additionally, an administrative fee equal to one-half of assessed cleanup costs shall be levied by the city against the guilty party.

- D. The city may report violations of this ordinance to appropriate state and federal agencies as violations of the Clean Water Act and related acts, laws and regulations.
- E. All other penalties herein notwithstanding, it is unlawful for any person, whether principal, owner, agent or tenant, to unlawfully violate, disobey, omit or refuse to comply with or to resist the enforcement of any of the provisions of this ordinance.
- F. The director may refuse service to and disconnect any user who fails to comply with any of the provisions of this ordinance.
- G. Discontinuance of wastewater services shall not occur until the noncomplying person, industry or business has been notified that it is not in compliance with this ordinance and has been given a reasonable time in which to come into compliance. The director may immediately halt service with no notice to the user when the director determines that such action is necessary to prevent a discharge of pollutants that represents an imminent danger to the public health, safety or welfare or may result in immediate and significant environmental damage.
- H. This section shall not be held to prohibit the city engineer or city manager from acting to require and effect correction of violations or removal of nuisances.
- I. In addition to any criminal fine which may be imposed for violation of any provision of this ordinance, any person shall be liable for all charges which may be assessed by the city on any user of the city wastewater system who discharges wastes containing impermissible quantities of prohibited substances into the city wastewater system. The director may assess charges based on the costs incurred by the city in surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes, plus overhead charges.
- J. The director may discontinue wastewater collection or treatment service to premises for any of the following reasons:
1. Failure to pay a charge assessed by the director for unauthorized discharges.
 2. Failure to correct an unauthorized discharge as required by the director.
 3. Discharging any unauthorized substances, materials, water or waste as prohibited by federal, state or local regulation.
 4. To prevent fraud or abuse.
 5. In response to disregard of city rules pertaining to water or sewer service.
 6. For emergency repair.
 7. In response to local emergency requiring emergency measures.
- K. Before disconnecting the property from the city wastewater system, the city shall provide written notice, by certified, return receipt requested mail, to the violator of the pending disconnection, and the city shall follow the procedure set forth in SCC 13.15.080 for setting a hearing. However, if the discharge is a threat to the public health, safety or welfare, or poses an immediate and significant potential for environmental harm, the city may initiate an enforcement action without giving notice.
- L. Upon notice of the final determination by the director of an assessment or order to correct an unauthorized discharge, the responsible party shall tender the amount assessed within 10 days of the date ordered and discontinue the unauthorized discharge as ordered by the director. In the event the unauthorized discharge is not corrected or the assessment is not tendered, continued operation resulting in a discharge is unlawful, and the discharge will be a public nuisance which may be abated by order of a court of competent jurisdiction. This remedy shall be in addition to any other remedy.
- M. Any charges imposed by this ordinance if not paid by the due date, may also be collected by a civil suit, instituted in the name of the city by the city attorney at the request of the city at any time after the

charge becomes delinquent, notwithstanding any other provisions to the contrary.

N. In addition to any late charges specified in this chapter, the city may recover all costs of litigation and collection including a reasonable attorney's fee.

O. The city may assign late charges to a bona fide collection agency for collection.

P. The remedies provided by this section shall be cumulative and supplemental to other remedies provided by provisions of this ordinance.

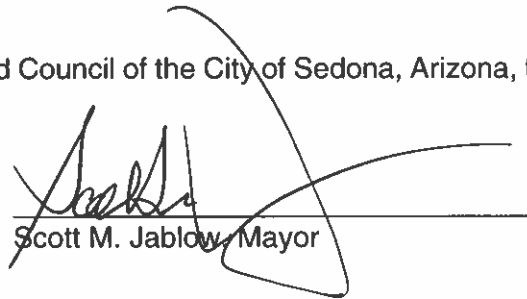
Q. In the event that sewer services are terminated, a charge of \$500.00 shall be paid, together with any other charges which are due and owing to the city under any city ordinance, prior to the re-establishment of sewer service.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 8. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

Section 9. Effective Date. The effective date of this Ordinance shall be 30 days following adoption by the City Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona, this 22nd day of October, 2024.



Scott M. Jablow, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

“2024 Amendments to SCC Title 13, Public Services And Utilities, Division I Wastewater”

Title 13

PUBLIC SERVICES AND UTILITIES

Chapters:

Division I. Wastewater

- 13.05 General Provisions**
- 13.10 Determination of Areas to be Sewered - Extensions to City Wastewater System**
- 13.15 Connections to Wastewater System**
- 13.20 Wastewater Monthly Service Charge**
- 13.25 Prohibited Discharges - Inspections**
- 13.30 Registration of Septage Haulers - Reporting Requirements**
- 13.35 Environmental Nuisances**
- 13.40 Pretreatment Requirements**
- 13.45 Violation - Penalty**

Division I. Wastewater

Chapter 13.05

GENERAL PROVISIONS

Sections:

- 13.05.010 Purpose.**
 - 13.05.020 Definitions.**
 - 13.05.030 General considerations.**
 - 13.05.040 Nonliability of city for wastewater collection service.**
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13.05.020 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Backflow prevention device” means a device or valve installed in a pressure sewer system which is intended to prevent wastewater from the sewer main system from entering facilities connected to the private sewer lateral.

“Backwater valve” means a device or valve installed in a sewer lateral which is intended to prevent wastewater from the public sewer system from backing up into low level fixtures on private property and causing a flooding condition.

“BOD” or “biochemical oxygen demand” means an analytical test that indicates the strength of wastewater by measuring the amount of oxygen in parts per million (ppm) required to stabilize organic compounds.

“Capacity fee” means the fee charged by the city to connect to the wastewater system and thus receive an allocation of wastewater treatment and disposal capacity.

“Capacity standby fee” means the monthly fee charged to property owners of undeveloped property located in an area where the city wastewater system is available for connection. This fee is equal to one-half of the standard ERU rate. This fee is designed to recoup the city’s costs for maintenance and depreciation on wastewater facilities.

“Chemical toilet waste” means waste from a toilet containing chemicals for sanitary management of feces and/or urine. Generally, a portable toilet facility.

“City engineer” means the individual or company acting in the capacity per SCC 2.55.010, City engineer.

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“Cluster system” means a wastewater collection and treatment system serving more than one parcel, the collection and treatment components of which are located wholly within the city of Sedona, but is not owned by the city of Sedona.

“Collector cluster system” means pipelines or conduits, excluding house sewers, for collecting and conducting wastewater to a point or points of treatment or disposal from two or more residents, apartment units, condominiums or businesses.

“Commercial account” means a sewer billing account for a nonresidential use connected to the city wastewater system.

“Department” means the Arizona Department of Environmental Quality.

“Director” means the director of wastewater who is the director of the office of wastewater management.

“Drainage fixture unit” means a measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture unit for a given plumbing fixture shall be determined in accordance with the city’s adopted plumbing code.

“Drive-up window” means an opening between the interior and exterior of a building for the purpose of passing food from inside a business to its customers located outside the building. The customers may or may not be in a vehicle.

“Economically feasible” means a determination by the council, pursuant to this division, that extension of the city wastewater system to such area is financially feasible.

“Effluent” means wastewater discharged or leaving a treatment unit or treatment process.

“Environmentally necessary” means a determination by the council, pursuant to this division, that a public health hazard exists or may exist from the pollution of, or from the reasonable probability of pollution of, surface waters or groundwater.

“ERU” or “equivalent residential unit” means the base unit allocated to a single-family residential structure for the wastewater system capacity it uses, ERU for city facilities located at other locations may vary and shall be determined by appropriate analysis.

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“Facility,” when referring to the city wastewater system, means those pipes, devices, manholes, pumps, buildings, walls, machines, treatment works, or combinations of these including related items comprising the city wastewater system. In cases where the city wastewater system is not being referred to, according to context, facility refers to privately owned pipes, machines, manholes, devices, building fixtures, or physical items or machines, or combinations of these including related items.

“Grease and oil analysis” means an analytical test used to measure the amount of grease and oil in parts per million (ppm) present in wastewater.

“Grease interceptor” means a grease-collecting device that is larger than a grease trap regarding flow rate and capacity. The interceptor discharges directly into the wastewater system preventing grease from entering the wastewater system by means of baffling.

“Grease, oil and fat” means animal and/or mineral byproduct that dissociates from water and adheres to the sidewalls of sewer pipes creating potential clogging problems in sewer systems.

“Grease trap” means a grease collecting device normally with less than a 51 gallons per minute (gpm) flow rate with a capacity of 40 gallons of water, the placement of which is downstream of a sink but upstream of the city wastewater system.

“Guest house” means an accessory building with one or more rooms used solely as the temporary dwelling of the guests of the occupants of the premises and not rented or used for supplemental income. Guest houses shall not include mobile or manufactured homes, shall contain no kitchen facilities, shall be connected to the same utility services as the main dwelling and shall not be used as a separate dwelling unit.

“Individual sewage disposal system” means a privately owned residential or commercial wastewater treatment system.

“Infiltration” means the entry of groundwater into a sanitary sewer system through joints, porous walls, and cracks, as well as the extraneous flow (inflow) that enters a sanitary sewer from other sources such as connections from roof leaders, basement drains, land drains, and manhole covers. Inflow infiltration typically results directly from rainfall or irrigation runoff.

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“Influent” means wastewater entering a treatment unit, treatment process or city wastewater collection system.

“Interceptor” includes traps, filters, separators, vaults, processes and other devices, means or processes intended to remove solids, liquids, or gases from wastewater prior to its discharge to the city wastewater system.

“Minimum monthly service charge” means the minimum charge for a commercial account regardless of the level of activity of the unit or if the unit is vacated.

“Mixed loads” means combined septage tanker loads as a result of pumping grease interceptors and septic tanks into the same septage tanker.

“Monthly service fee” means the fee charged each month for use of the wastewater system.

“Nonresidential use” means any land use other than single-family residences, apartments, condominiums or multi-unit residential buildings.

“Nonuser service fee” means the monthly fee charged to residential property owners of developed residential property who have received a notice of sewer availability, but have a legally functioning on-site septic system, and elect to defer connection to the city’s wastewater system by entering into a wastewater connection deferral agreement. This fee is equal to one-half the standard ERU rate for the property.

“Office” means the Sedona office of wastewater management.

“Pollution” means such contamination or other alteration of the physical, chemical or biological properties of any waters or such discharge of any liquid, gaseous or solid substance into any waters, onto or under any land as will or is likely to create a public health hazard or environmental nuisance or render such waters or land harmful or injurious to public health, safety or welfare to domestic, commercial, industrial, agricultural, recreational or other lawful beneficial uses, or to livestock, wildlife, birds, fish or other aquatic life.

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“SDG system” means a small diameter gravity system which accepts the effluent from septic tanks in small diameter sewer pipes and wastewater runs in pipes by gravity without the aid of a pump to the city wastewater system.

“Septage hauler” means any person or business entity engaged in pumping wastes from individual wastewater disposal systems or in transporting septage.

“Septic tank” means a receptacle which receives raw sewage and which is designed, constructed and installed to city, state and county standards to prevent leakage, to retain settleable solids and to discharge sewage liquids into an absorption field, seepage pit, evapotranspiration bed or a wastewater collection system.

“Sewer availability” means a condition that occurs when the city wastewater system exists in a street or easement adjacent to and within 300 feet of a real property or adjacent to and within 300 feet of a private wastewater collection system serving that real property and the city wastewater system is ready for connection, and wastewater treatment and disposal capacity is adequate for the proposed connection, subject to any state or federal consent order or judgment. The 300-foot distance shall only apply to single-family residential properties. Subdivisions, multi-family, commercial, and industrial properties shall have sewer availability when the city wastewater system exists in a street or easement adjacent to the real property or adjacent to a private wastewater collection system serving that real property and the city wastewater system is ready for connection, and wastewater treatment and disposal capacity is adequate for the proposed connection, subject to any state or federal consent order or judgement. Final determination of sewer availability shall be by the city engineer or director.

“Standard gravity system” means a collection system that accepts all of the wastewater generated on a property except for special pretreatment which may be required by the city, such as grease removal or volatile or toxic wastes removal.

“Step system” means a septic tank effluent pumping collection system which uses a pump and reservoir tank to pump the effluent from a private septic tank to the city wastewater system.

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“Storm waters” means rainwater and other waters specifically identified in the latest city of Sedona storm water management program filed with the department as acceptable to go into the municipal separate storm sewer system (MS4).

“Take-out” means food or drink prepared and sold with the intent that it will be consumed elsewhere than within the dining area owned by the business selling it.

“TSS” or “total suspended solids” means an analytical test result that measures the presence of solids in parts per million (ppm) within a sample of wastewater.

“Wastewater” means a combination of water-carried wastes from residences, institutions, public and private business buildings, mobile homes, motor homes, trailers and other places of human habitation, employment or recreation. For the purpose of this division, “wastewater” does not include storm water.

“Wastewater system (city wastewater system)” means pipelines or conduits, pumping stations, force mains, wastewater treatment plant, disposal field, lagoon, pumping stations, incinerator, wetlands and all other treating devices, appurtenances and facilities for collecting and conducting wastewater to a point of treatment and disposal constructed or operated by the city.

“Waters within the city” means all streams, lakes, ponds, marshes, drainage systems, aquifers and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the corporate limits of the city. [Code 2006 § 13-1-2. Ord. 2009-04, 4-14-2009; Ord. 2010-07 § 1, 4-13-2010; Res. 2010-08 § 3 Exh. B, 4-13-2010; Ord. 2010-14 § 1, 9-28-2010; Res. 2010-27 § 1 Exh. A, 9-28-2010; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014].

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13.15.020 Notice of sewer availability.

A. After completion of any extension of the city wastewater collection system, the finance director shall send a written “notice of sewer availability” to all affected property owners or their agents or lessees, as shown on the last assessment of the property, that the city wastewater system is available and that property owners must connect within 180 days. Such notice shall be given by certified mail to the property owner or agent or lessee, and by publishing the same notice, together with a description of the affected parcels, in not less than two issues of a newspaper of general circulation within the city. The times prescribed in this section shall run from the date of such notice. [Code 2006 § 13-5-3. Ord. 2010-14 § 1, 9-28-2010; Res. 2010-27 § 1 Exh. A, 9-28-2010; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014; Ord. 2021-07 § 1, 9-28-2021; Res. 2021-23 Exh. A, 9-28-2021].

B. Property owners may elect to enter into a deferred connection agreement for a period of no more than four (4) years. Deferment is subject to inspection of existing private sewage disposal systems by a licensed septage company at the sole expense of the property owner on an annual basis. Property owners in deferment shall submit inspection reports to the city for review. If inspection results indicate an improperly functioning private sewage disposal system, the property owner shall connect to the city wastewater collection system within 60 days from the date of the inspection. Upon completion of the four-year deferment, the property owner shall be required to connect to the city wastewater collection system within 180 days of the expiration of the deferment period. Failure to timely connect will result in fines for each day the property owner does not connect to the city wastewater collection system.

1. A deferred connection agreement shall not apply to new construction when there is sewer availability, as defined in SCC 13.05.020, at the time of construction

2. Deferred connection agreements are subject to approval by the city engineer or director.

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13.15.030 Mandatory connection to city wastewater system once available.

A. Within 180 days from the date that the finance director provides notice of sewer availability as defined in SCC 13.05.020, or the end of the deferment period as defined in SCC 13.15.020 (b), , a real property owner with building or water fixtures thereon shall make direct connection to the city wastewater system in accordance with the city design requirements, the adopted plumbing code, as amended, and all applicable state, county and city regulations.

B. *Cluster Systems.*

1. If the sewer availability notice is given to property owners that are both the users and owners of an existing collector cluster system, the city shall request that the property owners shall pay to the city an administrative processing fee, together with a fee to be set by the city manager to reimburse the city for the cost of inspecting the system. The administrative processing fee shall be \$5,000 beginning in September 2008 and increase no more than two percent annually thereafter over the previous year's fee beginning in August 2009. The applicable fee shall be stated within and approved as part of the annual city budget. The property owners shall provide to the city an acceptable set of as-built drawings of the system, copies of all applicable permits and copies of all records of inspection, maintenance, repair, expansion and improvement of the system. If the city is not provided with the administrative processing and inspection fees, or information regarding the system stated herein, the city may proceed to perform the required work and pursue any legal remedies on properties served by the existing system or upon the common disposal field as the city may deem appropriate.

2. If, upon inspection, it appears that the physical condition of the system does not meet the standards adopted by city council for sewer connection to the city's wastewater system, then it shall be the responsibility of the property owners to bring the system into compliance with such standards before the city will accept sewer connection to the city's wastewater system. If the system needs to be connected because it is necessary for public health or environmental reasons, then the city may proceed with such connection and

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assess the property owners using the system for the incurred cost or at the city's discretion treat the improvement as a city-initiated extension.

3. Once it is determined the cluster system meets city standards, the city shall allow the cluster system to be connected to the city wastewater system only after every property owner in that area has paid or made arrangements to pay the capacity fee pursuant to SCC [13.15.060](#) and the cluster system owners have presented to the city an acceptable written plan for responding to spills, overflows, blockages and damage to the cluster system.

C. If a property owner fails to connect to the city wastewater system within the time limits set forth in subsection [\(A\)](#) of this section, the city shall assess a monthly environmental penalty charge for every month such property remains unconnected. This charge shall be equal to twice the current monthly service charge for the property in question and shall be due and payable monthly. The city may employ the procedures set forth in SCC [13.20.060](#) and [13.20.070](#) for collection of such environmental penalty charge if not paid when due and payable. Outstanding environmental penalties owed are not considered to be outstanding late charges for purposes of this section.

D. Upon connection to the city wastewater system, any septic, STEP or alternate disposal system shall be pumped and abandoned and either removed or filled in at the owner's expense, in accordance with the city's adopted plumbing code, as may be amended from time to time, and all local and state laws, rules and regulations.

E. Failure to abandon a septic or other alternate disposal system in accordance with subsection [\(D\)](#) of this section shall constitute a public nuisance pursuant to SCC [8.10.020\(A\)](#). Pursuant to the provisions of SCC [1.15.010\(A\)](#), as amended or as may be amended from time to time, any person found guilty of violating this provision shall be guilty of a class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$2,500 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues is a separate offense punishable as set forth herein or by civil sanction.

F. Single connections to the city sewer system serving two or more land parcels shall not be allowed prior to the city being presented with an acceptable written plan for responding to

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spills, overflows, blockages, pump failures and conveyance system damage by the owner of the private collection and conveyance system and demonstrating compliance with state regulations regarding private sewer systems. [Code 2006 § 13-5-4. Ord. 98-04, 3-11-1998; Ord. 2009-04, 4-14-2009; Ord. 2010-07 § 1, 4-13-2010; Res. 2010-08 § 3 Exh. B, 4-13-2010; Ord. 2010-14 § 1, 9-28-2010; Res. 2010-27 § 1 Exh. A, 9-28-2010; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014; Ord. 2021-07 § 1, 9-28-2021; Res. 2021-23 Exh. A, 9-28-2021].

13.15.040 Permits for service connections.

A. Before physical connection is made to the city wastewater system, a permit must be secured from and 48 hours' notice given to the city. The issuance of a permit is subject to sewer availability and approval of the city engineer as to the point and type of connection. The director shall be consulted as regards available capacity for treatment at the plant. Sewer connection permits shall run with the land and shall not be transferable from one parcel to another parcel or from property to property. All such connections shall be made and all such work done at the expense of the applicant. All connections shall be made under the supervision of the city, and no such connection shall be covered until the work has been inspected and approved by the city. The city engineer shall issue permits for connection. The director of wastewater shall issue a written finding of available collection and treatment plant capacity as necessary.

B. Connection to city sewer shall also be a grant of permission to conduct announced inspections of the connected premises to verify compliance with city requirements regarding sewer facilities, materials directed to the sewer system, and flows directed to the sewer system. Subject to approval of the city attorney or other legal authority, the city may conduct unannounced inspections based upon reasonable suspicion that prohibited activities related to the city sewer are taking place or being maintained or allowed to exist on the connected premises.

C. When the lowest drain fixture for a facility served by a gravity sewer lateral is less than twelve inches higher than the nearest upstream manhole cover elevation, a backwater valve shall be installed on the lateral on private property exterior to and downstream of the facility

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served by the lateral. A backwater valve shall be installed on existing laterals by December 31, 2011, or when the lateral is replaced or repaired, whichever occurs first.

D. All gravity laterals shall have a clean out near the property or right-of-way line in a location approved by the city engineer. The clean out must meet requirements of City of Sedona Revised Details 440-3 and 270. The city may require that an on-site pressure system deliver flow to a city gravity main using a gravity sewer lateral.

E. All pressure systems shall have a backflow prevention device on private property between the force main and the facility served by the sewer lateral. This requirement shall be met by December 31, 2011, for all existing pressure systems and before connection and operation of new pressure systems connected thereafter.

F. Pretreatment devices shall be installed when required by city code.

G. Connection shall be made utilizing one sewer lateral per parcel of one acre or less. Properties over one acre in size may appeal to the city engineer for more than one lateral. A lateral may serve no more than one parcel. The city shall not be obligated to install a lateral if it is not extending a main wastewater collection pipe intended to serve more than one parcel. The city shall not be obligated to provide a lateral for a vacant parcel exceeding two acres in area. In cases in which the city is not obligated to install a sewer lateral, the property owner shall install the lateral and/or main to the city's main sewer line.

H. In cases where the city becomes aware of a sewer lateral not meeting these standards, the city may require that a lateral meeting these standards be installed and the old lateral abandoned. If the lateral was installed prior to July 2007 under a city-issued permit, then the city of Sedona shall bear the cost to replace the lateral between the city system and the portion of the connected facility closest to the connection to the city system, with the exception of backflow and backwater prevention devices, which remain a property owner responsibility. If the lateral was installed without a city-issued permit or after July 2007, the property owner shall bear the cost to replace the new lateral.

I. The city shall determine the point of connection to its system. The city is not required to allow connection to its system at a point other than it determines as appropriate, even if a

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property owner obtains an easement which might facilitate making connection to another location. Connections to sewer mains are to be located within the addressed street of a connecting facility, unless otherwise approved by the city engineer. [Code 2006 § 13-5-5. Ord. 98-18, 8-11-1998; Ord. 2009-04, 4-14-2009; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014; Ord. 2021-07 § 1, 9-28-2021; Res. 2021-23 Exh. A, 9-28-2021].

13.15.050 Property owner’s and user’s responsibility.

When a piece of property is connected to the city’s wastewater system, the property owner shall be responsible for the maintenance, operation, repair and replacement of all pretreatment devices, flow measurement devices, backwater valves, backflow prevention devices, conveyance lines, lift pumps, septic tanks or alternate wastewater treatment systems located on the property. The owner shall also remove any connections between the storm water drainage system and the wastewater system.

A. Where, prior to the amendment of the wastewater code on March 11, 1998, there exists a STEP or SDG system already connected to the city wastewater system, or a STEP or SDG system has been already approved by the city in writing to be connected to the city wastewater system, the property owner, lessee or user of the city wastewater system, at his or her own expense, shall be responsible for pumping septage or wastewater from his or her property as required, and for cleaning, unstopping, maintaining and repairing the conveyance sewer from the building or residence up to and including the connection to the city wastewater system in the public right-of-way or utility easement (collectively referred to herein as on-site system maintenance). If, from time to time, the city wastewater system is modified so as to eliminate the need for a STEP or SDG system, the property owner shall comply with SCC 13.15.030(D), as may be amended from time to time. Nothing herein shall require the city to provide or be responsible for on-site system maintenance for any STEP or SDG system, unless expressly agreed to by contract or other agreement.

B. Where there exists a cluster system connected to the city’s wastewater system, the individual property owners are responsible as stated in subsection (A) of this section. If an easement is granted on private roads as the only access and the existing sewer lines comply

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with the city design requirements and are considered acceptable for donation, the city may, at its discretion, accept responsibility for the sewer lines as designated main sewer lines on the city's wastewater system. If an easement is granted for access to existing lift or pump stations that are or have been brought into compliance with city standards of operation and are considered acceptable for donation, the city may, at its discretion, accept responsibility for the stations as part of the city's wastewater system.

C. Where a cluster system that is to be connected to the city wastewater system is a septic effluent wastewater system (referred to herein as a cluster system), the city, in its discretion, may allow septic tanks to remain as an integral component of that system until such time as the cluster system is converted to a raw wastewater collection system. At the time of such conversion to a raw wastewater collection system, all septic tanks in the cluster system shall be pumped and abandoned and either removed or filled in, all at the owner's expense, in accordance with the city's adopted plumbing code, as may be amended from time to time, and all local and state laws, rules and regulations.

D. The property owner shall be responsible to install and maintain in proper operation all backwater valves and backflow prevention devices. The property owner shall be responsible for the consequences of not providing and not maintaining these devices as required by this code.

E. The property owner shall be responsible to install and maintain in proper operation pretreatment devices. The property owner shall be responsible to maintain records demonstrating the periodic cleaning and proper disposal of material collected by such devices.

F. The portions of a sewer lateral located on private property shall be removed if the facility to which it is connected is removed. The property owner may request and the city engineer may approve an exemption from this requirement, provided the sewer lateral or portions thereof will be reused for wastewater disposal within one year or less. The property owner shall, if an exemption is granted, commit in writing to restore use or remove the portions of the sewer lateral within one year. If the commitment is not kept, the city may enter the property to remove the portions of the lateral and cap the lateral, and seek all legal remedies for reimbursement of its costs.

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G. The owner shall be responsible to contact the director prior to performing work between the sewer clean out and the city sewer main or within the city right-of-way or easement. The owner shall be responsible to notify the director should it appear that a problem with the sewer system between the facility and the sewer clean out or right-of-way or easement is due to improper operation of the city sewer system.

H. The city shall not be responsible for costs or impacts due to the owner's failure to perform owner's responsibilities. The city shall not be responsible for work that may occur between the sewer clean out and the city sewer main or within the city right-of-way or easement, if the city has not granted permission for such work prior to it proceeding. If work is performed without prior permission between the sewer clean out and the city sewer main or within the city right-of-way or easement the city may hold the individual or entity performing the work responsible for any damages or repair work resulting from such work.

I. The property owner shall be responsible for making sure that the allowable capacity for a parcel or nonresidential development is not exceeded. The allowable capacity is the sewer capacity, in terms of WSFUs (water supply fixture units) for which sewer permits have been issued. No owner shall make or maintain nonresidential uses that would require WSFUs in excess of the allowable capacity. If the city determines that an owner's sewer connections exceed the allowable capacity, then upon notice by the city, the owner must make the necessary modifications to ensure that the development configuration of the property does not exceed the allowable capacity.

J. Owners shall provide all requested information concerning the water supply fixtures upon any change of ownership, remodel or change of billing address. The city may require that continuing owners of such facilities provide current requested information to the city regarding the water supply fixture count. [Code 2006 § 13-5-6. Ord. 98-04, 3-11-1998; Ord. 2009-04, 4-14-2009; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014; Ord. 2021-07 § 1, 9-28-2021; Res. 2021-23 Exh. A, 9-28-2021].

K. Owners shall install a clean out at the property line, if one does not already exist, upon any remodel or addition to the property. The clean out must meet requirements of City of Sedona Revised Details 440-3 and 270. If a clean out does exist but does not meet the requirements of

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City of Sedona Revised Details 440-3 and 270, the property owner shall replace the existing clean out with a clean out meeting the requirements of the revised details.

L. Owners shall install a backwater valve on the lateral on private property exterior to and downstream of the facility served by the lateral, if one does not already exist and conditions meet the requirements of SCC 13.50.040(C), upon any remodel or addition to the property.

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13.20.020 Calculation of monthly service charge amount.

A. The charge for each connection shall be the number of ERUs assessed to that connection times the basic rate for one ERU as set forth in the rate table adopted by the city council and as amended from time to time. In no case shall a charge be less than minimums established by ordinance of the city council.

B. Commercial users, other than hotels and restaurants, will be allowed to install, at their own expense, an appropriate device to aid in determining sewage flows. When installed, this device may be used, at the discretion of the city engineer, to determine the flow of sewage for that user, and may be the basis for the billing charge. Flows will be calculated using the average monthly flow over a consecutive 12-month period. The use of flow based billing for commercial accounts shall not reduce the load BOD and TSS load determined by the unreduced flow used in the adopted rate schedule, unless a reduction in these loads has also been demonstrated. For purposes of determining BOD and TSS loads Tables 15 through 19 in the city of Sedona 2013 Wastewater System Rate Study provided by Hoag Consulting, LLC January 17, 2014 shall be used, when the table addresses the use category for which a rate modification is being requested. After the initial adjustment, in order to continue to use flow based rates the city must receive by May 1st 12 months of flow information. The 12 months shall be measured from January 1st to December 31st. The city reserves the right to require that owners using flow based rates sign a release allowing the city to receive relevant billing information directly from

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their water provider or in the alternative to require that the owners provide the flow information in the required form directly to the city. The monthly charge beginning in July and continuing to June 30th following shall be based upon the average monthly flow for the 12 months of flow. Reversion from a flow based charge to a square footage charge for the monthly charge shall only be allowed one year after the written request for reversion.

Flow based billing shall be determined based on a fixed charge per account plus an amount per unit of flow as determined in a fee schedule adopted by council for each category of use for which flow based billing may be used.

C. For built properties that may be vacant or unoccupied and have sewer availability, the city will charge the minimum monthly service charge rate as adopted by the city council. For vacant unimproved land that has sewer availability, the city will charge a “capacity standby charge” that is designed to recoup the city’s costs for maintenance and depreciation on wastewater facilities. The amount of this charge shall be set forth in the rate tables adopted by the city from time to time in accordance with the procedure set forth in SCC 13.20.010.

D. Restaurants and hotels shall be billed using either a square footage determined per SCC 13.20.020(D)(1), room, or water based charge after June 30, 2015. Restaurants not having 12 months of water use history shall use a square footage basis for monthly charges after June 30, 2015. Restaurants not having a water based charge shall allow the city to measure their square footage to determine the appropriate charge or in the absence of such allowance the city may use 80 percent of the building floor area using the exterior area of the building, plus any outside dining area, to determine the monthly rate. Change from a flow based charge to a square footage charge for the monthly charge shall only be allowed one year after the written request for reversion, unless one year of water use history is available for the restaurant under current ownership. Hotels offering only food processed off the hotel site for their guests using only disposable serving plates, cups, and utensils are not classified as having a restaurant for purposes of monthly service billings.

1. For restaurants, area-based calculations shall not include kitchen, area behind a bar, office, and walled storage areas, except in the case of take-out restaurants, in which case the kitchen area shall be included in the calculation. Hallways leading only to kitchens,

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office, and storage areas shall be counted as part of the excluded area for fee determination. A restaurant shall be considered a take-out restaurant if the city engineer determines it has a drive-up window or the restaurant design or type is such that more than 30 percent of its business based on food sales revenue is anticipated to be take-out. The calculated area for capacity fee purposes shall include but not be limited to waiting areas, food serving areas, and dining areas. Restaurant areas are associated with other uses separately determined and food preparation area shall not be excluded. The city engineer shall make the final determination of chargeable area.

E. Information for water usage based charges shall be presented by May 1st of each year for the prior 12-month period ending December of the prior year. The new usage based rate will be effective July 1st for the following 12-month period. To qualify for a water usage based charge, the customer must have an independent, dedicated (unshared) water service metering system. Customers who do not have a full 12-month calendar year of metered water usage may provide the most current 12-month period, at the discretion of the finance director. The city reserves the right to utilize an area based calculation to determine monthly charges if timely provided water usage information is unavailable or incomplete. If the city is unable to obtain complete water usage information from directly from the water providers, the burden to provide complete and accurate water usage information is on the customer.

F. In case of change of ownership for an account having flow based charges the new owner shall continue to pay the monthly flow based charge previously determined for the commercial account prior to change in ownership. In the case of closure of an account the owner shall be responsible to pay the flow based charge until June 30th next.

G. After July 1, 2015, in the case of a restaurant, or hotel, when the city has not been provided 12 months of flow information the square footage or per room charge may be used until 12 months of flow information is provided to the city. The 12 months of flow information shall be the basis for monthly charges until July 1st of the next year.

H. Between July 1, 2014, and June 30, 2015, any restaurant or hotel may provide 12 months of flow information to establish flow based charges. The charges shall be based on the average of the 12 months of flow and shall be subject to revision after June 30, 2015, so that annual

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modifications in the monthly charge will be effective on July 1st of each year. The city reserves the right to require that owners using flow based rates sign a release allowing the city to receive relevant billing information directly from their water provider or in the alternative to require that the owners provide the flow information in the required form directly to the city.

I. When rates are based on measures other than flow volume or area the director of finance may request that an annual statement of units be provided to the city by May 1st of each year. The time frame covered by the statement of units shall be for a period of one year and may consist of a month by month statement of the number of units so that it may be determined if a maximum value of units or an average number of units per month is the appropriate measure on which to base the monthly rate.

J. The city or property owner may question the completeness or accuracy of the information used to calculate charges. The city engineer and director of finance shall determine such questions and provide the correct unit upon which charges are to be determined. The determination shall be subject to review by the wastewater hearing officer according to the procedures in SCC 13.15.080(B) through (C)(4)(b). The hearing officer shall make a determination which shall be binding to the extent it complies with the reference procedures. Written notice of the hearing officer determination shall be sent within 15 days of the hearing to the city engineer, the director of finance, and the property owner. [Code 2006 § 13-6-2. Ord. 2009-04, 4-14-2009; Ord. 2010-07 § 1, 4-13-2010; Res. 2010-08 § 3 Exh. B, 4-13-2010; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014].

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13.30.030 Acceptance of septage.

A. The city has no obligation to accept septage pumped from without the city limits for treatment and disposal. In the event there is sufficient treatment and disposal capacity in the city wastewater system, the city may enter into agreements to accept septage pumped from without the city limits, and charge fees for the acceptance, treatment and disposal of such

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septage as may be established by the city manager. Septage transported into the city shall be considered as septage outside the city, even if discharged to a septage receiving facility within the city.

B. The city may accept, but is not obligated to accept, septage pumped from within the city limits for treatment and disposal, as may be authorized under state and local regulation, the permits for the city wastewater system and any federal or state consent order or judgment. The city council shall establish and charge fees for the acceptance, handling, treatment and disposal of such septage commensurate with the costs to the city, including administrative costs. [Code 2006 § 13-8-3. Ord. 2009-04, 4-14-2009; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014].

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13.40.020 Requirements.

A. It shall be the responsibility of any facility connected to the city wastewater facility to provide pretreatment of the wastes discharged to the city wastewater system so that the influent complies with the requirements of Chapter 13.25 SCC. The owner of each facility connected to the city wastewater system shall provide, install, maintain in good operation, repair and replace, at his or her own expense, such pretreatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in this code. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director and city engineer. No construction of such facilities shall be commenced until the director's or city engineer's approval has been obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the city engineer. The approval of the plans and inspection of construction shall not relieve the owner from complying with discharge limitations set forth in this division.

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- B. Where installed, all pretreatment devices and systems shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.
- C. Materials removed by pretreatment devices or processes shall be disposed of in accordance with all state and local regulations, at the expense of the owner. The city has no obligation to accept pretreatment wastes from within or without the city limits for handling and disposal. Pretreatment wastes from within the city may, however, be accepted by the city in accordance with policy approved by the city council and for fees set by the city manager commensurate with all city expenses for the handling and disposal of such wastes, including the city's administrative costs.
- D. As a minimum pretreatment requirement, grease, oil or sand interceptors shall be provided by food preparation or food handling facilities, laundries, restaurants, service stations, auto repair shops, car washes and other facilities that have the potential to discharge high levels of grease, oil or solids. An exemption to this requirement may be granted when it can be shown (and the owner of a facility sets forth in a recorded document) the specific activities that will be conducted on the site that will not produce wastewater containing oils, greases, or fats.
- E. No residential garage floor drain shall be connected to the city wastewater system.
- F. It shall be the responsibility of the owner and operator of any facility to provide regular maintenance of any grease, oil, or sand filter to include but not limited to the cleaning of their grease traps and interceptors at least once every six months, or at a frequency determined by the director or director's designee based on inspection, observations of operating conditions, and/or analytical test data. Should current maintenance practices prove ineffective by evidence of analytical test data or reoccurring maintenance problems within the city's wastewater collection system, an alternative method of maintenance shall be required by the city.
- G. All interceptors, traps, and separators shall be of a type and capacity approved by the engineer and shall be located as to be readily and easily accessible for cleaning and for inspection by the director or the director's designee. In no case shall the type or capacity be less than that specified in the city plumbing code.
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H. Grease and oil interceptors and separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers. When bolted covers are required, they shall be gastight and watertight. [Code 2006 § 13-10-2. Ord. 2009-04, 4-14-2009; amended during 2012 codification; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014].

13.40.030 Monitoring manholes.

A. When required by the director, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable monitoring manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the city engineer. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

B. All food preparation and food handling facilities, and other grease and oil generators connected to the wastewater system, shall install a grease trap or grease interceptor consistent with the provisions of the city-adopted plumbing code. The city engineer or designee shall review the design and installation of food preparation and handling facility grease traps and grease interceptors. The design and installation of such traps and interceptors shall conform to all applicable statutes, codes, ordinances, regulations and laws. Any food preparation or food handling facility responsible for the discharge of grease trap or interceptor wastewater must provide and maintain traps or interceptors in an effective operating condition at all times at its own expense.

C. It shall be the responsibility of the owner and operator of any facility required to have interceptors, traps, and separators to provide regular maintenance to include but not limited to the cleaning at least once every six months, or at a frequency determined by the director or director’s designee based on inspection, observations of operating conditions, and/or analytical test data. Should current maintenance practices prove ineffective by evidence of analytical test

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data or reoccurring maintenance problems within the city’s wastewater collection system, an alternative method of maintenance shall be required by the city.

D. A food preparation or food handling facility with a seating capacity of up to 100 persons shall install a grease interceptor with a minimum 1,000-gallon holding capacity and provide proper and accessible inspection points for sampling discharge from interceptor. Owners of facilities exceeding the aforementioned seating capacity may require larger interceptors or traps and shall contact the city to determine the appropriate size required.

E. Authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter any food preparation or food handling facility and grease receiving or treatment facility for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

F. Discharge into a grease trap or interceptor shall not exceed 145 degrees Fahrenheit, and the temperature of the liquid leaving the grease trap shall be in compliance with SCC [13.25.030\(H\)](#).

G. No enzymes or emulsifiers shall be discharged into a grease trap or interceptor.

H. It will be the responsibility of all food preparation and food handling facilities, and other grease and oil generators connected to the wastewater system, to comply with the requirements of SCC [13.40.020](#) by January 1, 2010. [Code 2006 § 13-10-3. Ord. 2009-04, 4-14-2009; Ord. 2014-06 § 1, 5-27-2014; Res. 2014-10 Exh. A, 5-27-2014].

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