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TITLE 8

PUBLIC WORKS

CHAPTER 8-1 – USE OF CITY PROPERTY AND RIGHT OF WAYS

Article 8-1.01 - Definitions Whenever the following words or terms are used in this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said section defines the terms differently.

- (a) City Property - The term "City property" shall mean any property owned, leased, or used under license or other authority by the City of Williams, but excluding City-owned "right-of-way".
- (b) Parks and Recreation Facilities - The term "Parks and Recreation facilities" shall mean any property, building, or equipment utilized primarily as a public park or for purposes of recreation or community services, and officially designated as such by the Mayor and Council.
- (c) Right-of-Way - The term "right-of-way" shall mean real property, owned by the City or for which the City has a right access or use, upon which transportation facilities and appurtenances thereto are constructed or maintained, and which lands are recorded as right-of-way with the Coconino County Recorder.
- (d) Rodeo Grounds - The term "rodeo grounds" shall mean the City-owned property located at 515 Rodeo Road, including the rodeo corral, barn, cook shack, and all abutting property.

Article 8-1.02 - City Manager's Responsibilities The City Manager or, his representative shall be responsible for the maintenance and regulation of the use of all City property and shall also prepare regulations which shall be approved by the City Council, governing the access to, and use of, City property.

Article 8-1.03 - Use of Parks and Recreation Facilities The City Manager or his representative shall prepare regulations, which shall be approved by the City Council, governing access to, and use of, all Parks and Recreation facilities. Said regulations may include a schedule of fees for use of said facilities.

Article 8-1.04 - Use of Right-of-Ways City right-of-ways may be used only by vehicles licensed by the State of Arizona, and other vehicles, bicycles, or pedestrians as allowed under the provisions of this Code. Use of the right-of-ways shall be contingent upon following all State and City traffic laws and regulations. The right-of-ways may not be used for the purpose of conducting any business from a parked vehicle except as allowed by a right-of-way use permit.

- (a) Parade Permits - The City Manager or his representative may issue a parade permit allowing use of the right-of-way by vehicles or persons, and for activities, not otherwise allowed under the City Code. This permit shall be issued only for purposes of a parade, and only if the use of the right-of-way is for a period not to exceed three (3) hours. The

City Manager shall issue a parade permit, if the following conditions have been met:

- (1) The applicant has submitted an application for a parade permit at least one (1) month prior to the date of the parade.
 - (2) The applicant has provided a parade plan, including information on the parade route, and plans and procedures for controlling traffic and crowds.
 - (3) If necessary, the applicant has made arrangements to have the Marshal and Deputies on duty at the parade and has agreed to pay the cost of that officer's time.
 - (4) The Marshal, the Fire Chief, and the Streets Superintendent have reviewed the parade route and plan and have indicated that the parade will not pose a hazard to the public health and safety.
 - (5) The applicant has provided the City with evidence of an insurance policy, naming the City as co-insured, in an amount not less than Five Hundred Thousand (\$500,000) Dollars liability.
 - (6) The applicant has provided a refundable clean-up deposit of one Hundred (\$100) Dollars.
- (b) Right-of-Way Use Permits - The City Manager or his representative may issue a right-of-way use permit allowing use of the right-of-way by vehicles or persons, and for activities, not otherwise allowed under this Code. A right-of-way use permit may be issued upon a finding by the City Manager that a proposed use will not pose a danger to the public health and safety or an undue inconvenience to city residents. The Manager shall issue a permit if the following conditions have been met:
- (1) The applicant has submitted a completed application for a right-of-way use permit at least one (1) month prior to the date of the use. The application shall include information on the date, time and nature of the use, including provisions made for traffic and crowd control.
 - (2) The Marshal, the Fire Chief and the Street Superintendent have reviewed the application, and have indicated that the proposed use will not pose a hazard to the public health and safety.
 - (3) The applicant has submitted a petition, signed by not less than seventy percent (70%) of the residents abutting the property to be used; said petition stating that the proposed use will not impose an undue inconvenience on the abutting residents.
 - (4) The applicant has provided the City with evidence of an insurance policy, naming the City as co-insured, in an amount not less than one million dollars (\$1,000,000.00) liability.
 - (5) The applicant has provided a refundable clean-up deposit of one hundred dollars (\$100.00) for each day the permit will be in force.
- (c) Miscellaneous Rights-of-Way Permits - No construction, excavation, cutting of pavement, curbs, gutters or sidewalks shall occur in the City right-of-way without first obtaining a permit for the same.

(d) Sign Permits - The City Manager or his representative may issue sign permits allowing the following signs to be located within or project over rights-of-way subject to the following:

(1) Portable Sign - For each commercial business not fronting on Bill Williams Avenue or Railroad Avenue and located within the boundaries of the CBD-central business district zoning district only, the City Manager may issue a maximum of one (1) sign permit for one (1) portable A-frame sign to be located within the right-of-way subject to the following:

- (i) The size shall not be larger than four (4) square feet in area.
- (ii) Said sign shall be set back a minimum of four feet (4') from any street curb, street cross walk or building doorway.
- (iii) The sign shall be weighted down to avoid movement by wind.
- (iv) The sign shall be removed from the right-of-way during the hours the business is closed.
- (v) The sign permit fee of fifty dollars (\$50.00) is paid to the City.
- (vi) A certificate of insurance which provides coverage to the City in the amount of one hundred thousand dollars (\$100,000.00) for each occurrence and three hundred thousand dollars (\$300,000.00) in the aggregate shall be provided to the City.
- (vii) The sign owner shall provide a statement to the City which shall hold the City harmless in the event of any claims against the City arising as a result of the use and/or placing of the sign in the public right-of-way.

(2) Projecting Sign - For each use located within the boundaries of the HP-historic preservation overlay zoning district only, the City Manager may issue a maximum of one (1) sign permit for one (1) projecting sign to project over the public right-of-way subject to the following:

- (i) Said sign shall meet all applicable rules and regulations as set forth in the City's zoning ordinance for projecting signs.
- (ii) The sign permit shall be issued upon the filing of a permit fee as set forth in the City's building codes.
- (iii) A certificate of insurance which provides coverage in the City in the amount of one hundred thousand dollars (\$100,000.00) for each occurrence and three hundred thousand dollars (\$300,000.00) in the aggregate shall be provided to the City.
- (iv) The sign owner shall provide a statement to the City which shall hold the City harmless in the event of any claims against the City arising as a result of the use and/or projection of the sign over the public right-of-way. (Ord. 748 §1, 1995)

Article 8-1.05 - Penalty Violation of any of the provisions of this Chapter shall constitute a Class 3 Misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

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CHAPTER 8-2 – GARBAGE AND TRASH (Ord. 656)

Article 8-2.01 - Definitions Whenever the following words or terms are used in this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said section defines the term differently.

- (a) Construction Waste - The term "construction waste" means the materials from construction, remodeling, construction site preparation; including, but not limited to, rocks, trees, debris, dirt, brick, plaster, and all types of scrap building materials, and their wrappings and containers.
- (b) Garbage - The word "garbage" means all rubbish, animal refuse, vegetable kitchen refuse, household waste, bottles, tin or aluminum cans, waste paper, grass cuttings, tree limbs or branches cut up to a size no longer than three (3') feet, weeds, and all other scraps of similar nature as comprise the daily accumulation from residences or business operations, other than prohibited substances or uncontained trash.
- (c) Load - The word "load" shall mean a truck load of uncontained trash having a capacity of five (5) cubic yards or less.
- (d) Occupant - The word "occupant" shall mean the customer or person occupying or controlling a residence, store, hotel, office, restaurant, or any other facility or building.
- (e) Prohibited Substances - The term "prohibited substances" shall mean solid wastes prohibited in collection containers, or as uncontained trash as follows:
 - (1) Any substance not approved by the Arizona Department of Environmental Quality (ADEN)) or the landfill operator for disposal in the public landfill.
 - (2) Hot ashes or other materials which could cause combustion to occur in sanitation containers or hauling equipment.
 - (3) Construction waste.
 - (4) Large building materials, rock, concrete, or metal objects which may cause damage to loading devices or compaction units.
 - (5) Large dead animals.
 - (6) Hazardous materials or toxic substances in strength or quantity which could cause illness to the public or people operating or repairing sanitation equipment.
 - (7) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (8) Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - (9) Tires.
 - (10) Industrial waste, other than garbage.
 - (11) Sludge from a waste water treatment plant.

- (f) Solid Waste - The term "solid waste" shall mean any garbage, trash, rubbish, refuse, sludge from a wastewater treatment plant, water supply treatment plant or pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous materials, but not including domestic sewage or hazardous waste.
- (g) Uncontained Trash - The term "uncontained trash" shall mean all wooden boxes or crates, appliances, large items of household furniture, tree trunks, branches and limbs more than three (3') feet in length, and other items which, by size, shape, or weight cannot be placed in City-receptacles, but not including prohibited substances.

Article 8- 2.02 - General Provisions Except as provided in this Chapter, it shall be a misdemeanor for a person to throw, deposit, or cause to accumulate any solid waste on any public place or private premises, whether owned by such person or not.

Article 8-2.03 - City Responsibilities It shall be the sole responsibility of the City Sanitation Department to collect and convey solid waste through the streets or alleys of the City for a fee. The City shall provide containers approved by the Sanitation Superintendent to occupants for the placement of their solid waste. The City-owned containers shall be distributed and positioned as scheduled by the Sanitation Superintendent.

Article 8-2.04 - Occupant Responsibilities It shall be the responsibility of each and every occupant, whether residential or business, to:

- (a) Place or cause to be placed, all garbage, except as provided in this Chapter, from any house, store, motel, office, restaurant, or any business in containers approved by the Sanitation Superintendent, so that the same may be removed by the City Sanitation Department.
- (b) Place the individual City-owned container serving one residence or one business, at the location scheduled by the Sanitation Superintendent, not prior to 6:00 PM on the day preceding the day of collection; such containers shall otherwise be kept on the occupant's property.
- (c) Securely wrap in paper or plastic bags and place in approved containers all wet garbage and liquid wastes.
- (d) Remove all prohibited substances by means other than City-owned containers and City forces, within seven (7) days after its generation.
- (e) Arrange with the Sanitation Superintendent for separate pick-up of uncontained trash and place said uncontained trash in the alley at the rear or side of the property; or if there is no alley, at the curb-line of the street fronting the property, or as directed by the Sanitation Superintendent on the day scheduled for its collection.

Article 8-2.05 - Fees The fees for collection of trash from containers and for uncontained trash shall be such as Council may, by Resolution, adopt.

Article 8-2.06 - Penalty It shall be a Class 1 Misdemeanor for any person to:

- (a) Place prohibited substances in a container or for pick-up as uncontained trash.
- (b) Place or cause to be placed, refuse in a container not designated for his use.
- (c) Burn, destroy, vandalize or otherwise damage any City-owned container.
- (d) Remove or cause to be removed, any City-owned container from the location designated by the Sanitation Superintendent except as provided in this Chapter.
- (e) Remove, haul, or cause to be removed or hauled, any solid waste on or along any City right-of-way, street, or alley, unless the same is so loaded as to prevent any such refuse from falling, leaking, or spilling.

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CHAPTER 8-3 – WASTE WATER SYSTEM (1988 Code)

Article 8-3.01 - General Provisions It shall be a Class 1 misdemeanor for any person to deposit, in an unsanitary manner, upon public or private property within the City, or any area under the jurisdiction of the City, any human excrement, sewage, industrial wastes or contaminated water, except where suitable treatment has been provided in accordance with this Chapter. It shall also be a Class 1 Misdemeanor for any person to construct or maintain within the City, any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Article 8-3.02 - Prohibited Wastes It shall be a Class 1 Misdemeanor for any person to discharge or cause to be discharged, any storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water, or unpolluted industrial process water into any sanitary sewer. It shall also be a Class 1 Misdemeanor for any person to discharge or cause to be discharged, any of the following described waters or wastes into any sewer:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.
- (b) Any water or waste which may contain more than fifty (50) parts per million by weight of fat, oil, or grease.
- (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (d) Any vegetable or organic food material that is not ground garbage.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, rags, feathers, tar, plastics, wood, paunch manure, glass grits, such as brick, cement, onyx, carbides, 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 sewage works.
- (f) Any waters or wastes having a pH lower than five and one half (5.5) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewage works.
- (g) Any waters or wastes containing a 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 waters or lands receiving the effluent of the treatment plant.
- (h) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (i) Any other substance prohibited by Federal or State law.

Article 8-3.03 - Grease, Oil, Sand and Lint Interceptors Grease, oil, sand and lint interceptors shall be provided when, in the opinion of the City Engineer, they are necessary to 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 single family living quarters. Said interceptors shall be of a type and capacity approved by the City Engineer, and shall be located as to be readily and easily accessible for cleaning and

inspection. Maintenance for said interceptors shall be by the owner or occupier, at his expense, and in continuously efficient operation at all times.

Article 8-3.04 - Miscellaneous Rules and Regulations

- (a) Approval - It shall be a Class 1 Misdemeanor for any person, without prior approval of the Waste Water Superintendent to admit into the public sewers any waters or wastes having a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight; or containing more than three hundred fifty (350) parts per million by weight of suspended solids.
- (b) Preliminary Treatment - Where necessary in the opinion of the Waste Water Superintendent, the owner or occupier of premises shall provide, at his expense, such preliminary treatment as may be necessary to:
 - (1) Reduce the B.O.D. to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight.
 - (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in this Chapter.
 - (3) Control the quantities and rates of discharge of such waters or wastes.
 - (4) Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Waste Water Superintendent. No construction of such facilities shall be commenced until such approvals are obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or occupier at his expense.
- (c) Control Manhole - When the nature or quantity of wastes, other than waste generated by residential use, creates a potential for violations of this Chapter, the customer shall install a suitable control manhole in the private sewer to facilitate observation and samplings of the wastes. Such manhole when required shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Waste Water Superintendent. The manhole shall be installed by the owner or occupier at his expense, and shall be maintained by him.
- (d) Tests and Measurements - All tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be conducted by a laboratory certified by the Arizona Department of Environmental Quality.
- (e) Special Agreements - No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment therefore by the person.

Article 8-3.05 - Sewer Service Connection Fees, Buy-in Fees and Rates

- (a) No sewer line connection shall be made to the sewer system until a permit has been issued and sewer buy-in fee, connection fee, and deposit, if any, has been paid.

(b) All sewer connections shall be made under the supervision of the Public Works Director and no connection shall be covered until the work has been inspected by him, or his designee.

(c) Sewer buy-in fees, and sewer connection charges shall be determined by a rate and fee schedule which the Council may, from time to time, adopt pursuant to A.R.S. 9-463.05C. Sewer rates charged for providing sewer treatment and other related services shall be charged pursuant to a fee schedule which the Council, from time to time, may adopt pursuant to A.R.S. 9-511.01.

(d) Sewer connection charges shall be in conformity with the following schedule:

Sewer service connection			Base fee	\$100.00
Tap size 4"	_____	6"	_____	
Exc./backfill	_____	Per ft	10.00/ft	_____
Saddle:	_____	4" – 6"	30.00	_____
Tap	_____	4" – 6"	50.00	_____
Pipe, 1/2"	_____	4"	2.48/ft	_____
		6"	3.33/ft	_____
Asphalt replacement @ cost				_____
Concrete replacement @ cost				_____

(e) Sewer buy-in fees shall be as follows:

Residential users shall be charged a flat fee of eight hundred sixty-four dollars (\$864.00) for a single-family residence or six hundred eight dollars (\$608.00) for multiple family residence.

Commercial users shall be charged a fee based on the number of fixture units.

	Fees
Single-family residence--flat	\$864
Multiple family residence--flat--per unit	608
Hotel/motel (per f.u.)	210
Restaurants (per f.u.)	366
Other commercial/institutional (per f.u.)	114
Industrial laundry (per f.u.)	252
Industrial (per f.u.)	114

Article 3.06 - Noise and Odor Setback

The City shall maintain a noise and odor setback of 300 feet from the component parts of

(a) The City shall maintain a noise and odor setback of 300 feet from the component parts of any wastewater treatment facility operated by the City. (Ord. 865, 2007; Ord. 775 §1, 1998)

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CHAPTER 8-4 – WATER SYSTEM (1961 Code/Amended 1988 Code)

Article 8-4.01 - Definitions Whenever the following words or terms are used in this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said Section defines the term differently.

- (a) Person - The word "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (b) Water - The word "water" shall mean any water from the City of Williams water supply system.

Article 8-4.02 - Water System All mains, laterals, pipes, hydrants, and fixtures now laid, constructed or installed, or hereafter to be laid, constructed or installed, in, under, across, or through the streets, avenues, alleys and other thoroughfares of the City, or adjacent territory, for supplying water to said City and the inhabitants thereof, are hereby declared to be the property of the City, under the control thereof and subject to the provisions of this Chapter.

Article 8-4.03 - Water Turn-Ons No water from the City water supply shall be turned on for service into any premises by any person but the Water Superintendent or his designated appointee.

- (a) No water shall be turned on for service in premises in which the plumbing does not comply with the specifications of the City, provided that water may be turned on for the construction work in unfinished buildings, subject to the provisions of this Chapter.
- (b) Application to have water turned on shall be made in writing to the Office of the City Clerk, and shall contain an agreement by the applicant to abide by and accept all of the provisions of this Chapter as conditions governing the use of the City water supply by the applicant.

Article 8-4.04 - Water Service Connections, Buy-in Fees and Rates

- (a) No water line connection shall be made to the water system until a permit has been issued and the water buy-in fee, connection fee, and deposit, if any, has been paid.
- (b) All water line connections shall be made under the supervision of the Public Works Director and no connections shall be covered until the work has been inspected by him, or his designee.
- (c) Water buy-in fees and water connection charges shall be determined by a rate and fee schedule which the Council may, from time to time, adopt pursuant to A.R.S. 9-463.05C. Sewer rates charged for providing water treatment and other related services shall be determined by the City Council, from time to time, pursuant to A.R.S. 9-511.01.
- (d) Water connection fees shall be in conformity with the following schedule:

Water service connection		Base fee		\$100
Meter 3/4"	1"	1 1/2"	2"	
Quantity		Unit cost	Total cost	
Exc./backfill	Per ft	6.00		
Saddle	3/4" - 1"	55.00		
	1 1/2" - 2"	55.00		
Tap	3/4" - 1"	50.00		
	1 1/2" - 2"	75.00		
Corp. stop	3/4"	27.00		
	1"	37.00		
	1 1/2"	75.00		
	2"	120.00		
Curb stop	3/4"	37.00		
	1"	57.00		
	1 1/2"	88.00		
	2"	135.00		
Meter	3/4"	140.00		
	1"	195.00		
	1 1/2"	535.00		
	2"	1235.00		
	3"	1695.00		
Box/each	3/4" - 1"	72.00		
	1 1/2" - 2"	72.00		
Pipe, lf	3/4"	3.53		
	1"	4.24		
	1 1/2"	5.90		
	2"	8.00		

(e) Water buy-in fees shall be in conformity with the following schedule:

Residential users will be charged a flat fee of one thousand five hundred eighty dollars (\$1,580.00) for a single-family residence or one thousand one hundred eleven dollars (\$1,111.00) per unit for a multiple family residence.

Commercial users will be charged a fee based on the number of fixture units plus a flat fee based on the required meter size. Only one (1) meter will be allowed per commercial property. The Public Works Director or designee will determine the appropriate meter size for each property.

	Fees
Single-family residence—flat	\$1,580
Multiple family residence--flat--per unit	1,111
Hotel/motel (per f.u.)	210
Restaurants (per f.u.)	366
Other commercial/institutional (per f.u.)	114
Industrial laundry (per f.u.)	252
Industrial (per f.u.)	114

Meter Size

Commercial	¾"	1"	1 ½"	2"	3"	4"
Water Buy-in fee	\$3,510	\$4,560	\$5,640	\$9,150	\$35,160	\$45,710

(Ord. 775 §2, 1998)

Article 8-4.05 - Meters and Meter Reading

- (a) All premises using the City water supply must be equipped with an adequate water meter furnished by the City but paid for by the consumer; provided that such water service may be supplied by the City at a flat rate or charge until such meter may be installed. Before any premises are occupied, a water meter shall be installed therein as herein required or application made for such water service at the flat rate of charge until the meter can be installed or no water shall be furnished such premises. Meters shall be installed in a location that will be of each access.
- (b) The Water Superintendent shall read or cause to be read, every water meter used in the City at such times as are necessary that the bills may be sent out at the proper time. Any municipal water meter shall be taken out and tested upon complaint of the consumer upon payment of a fee of ten (\$10) dollars. If, upon testing, the meter is not within three percent (3%) of being accurate, it shall be repaired or replaced and the ten (\$10) dollar fee returned to the consumer.
- (c) In the event any dog kept on the premises interferes with meter reading as specified in this Article and the meter is not read, a billing will be made by the City in an amount based on the average monthly billing of the last three (3) months.

Article 8-4.06 - Water Rates, Fees and Monthly Statements Monthly statements for water used shall be dated and sent out at such times as specified by the Mayor and Council. Water Service may be discontinued for any premises for which the water bill remains unpaid for a period of fifteen (15) days after the bill is rendered. When service has been discontinued for non-payment, water shall not be turned on unless and until the appropriate reconnect charge has been paid. (Ord. 775 § 3, 1998; Ord. 774 §3, 1998; 1961 Code)

Article 8-4.07 - Resale of Water

- (a) No person shall purchase water from the City for removal outside of the corporate limits from any source whatsoever except that it be intended for his own use or for use in connection with his own premises, unless such person shall have first entered into a contract with the Council specifying in said contract the amount of water he shall purchase, the duration of his continued purchase, the price he shall pay to the City for each one thousand (1,000) gallons of water so purchased, and whether or not water so purchased is intended primarily for resale.
- (b) Any person now engaged in the removal of water outside the corporate limits of the City and who comes within the provisions of this Article shall have ninety (90) days from the effective date of this Code in which to comply fully with the terms of this Article, and failing therein shall be cut off and barred from making purchases of water from the City until such time as compliance herein has been fully effected.

Article 8-4.08 - Water Conservation and Water Related Emergencies

- (a) Adoption of a Water Conservation Code: This Code shall be added to any legal Plumbing Code approved by the Mayor and Council of the City and will be a stand alone ordinance fostering water conservation efforts in the City of Williams.
- (b) Purpose: The purpose of this Code is to establish maximum rates of flow for plumbing fixtures and other devices in order to conserve water and to regulate the use of water resources within the City of Williams and its water service area.
- (c) Regulations:
 - (1) Scope: The provisions of this section shall apply to all new construction, remodeling and replacement of fixtures in all existing structures. (Ord. 834, 2004; Ord. 825, 2002; Ord. 809, 2001; Ord. 801 §1, 2000; Ord. 799 §1, 2000; Ord. 753 (part), 1996: Ord. 751 (part), 1996)
 - (2) Water Closets and/or Urinals: Water closets shall be designed so as to be operable and adequately flushed with no more than 1.6 gallons of water per flush. Urinals shall be of the waterless type. (Ord. 907, 2008; Ord. 834, 2004; Ord. 825, 2002; Ord. 809, 2001; Ord. 801 §1, 2000; Ord. 799 §1, 2000; Ord. 753 (part), 1996: Ord. 751 (part), 1996)
 - (3) Shower Heads: Shower heads shall be designed, manufactured and/or installed so that the flow will not exceed 2.5 gallons per minute.
 - (4) Kitchen and Lavatory Faucets: All kitchen and lavatory faucets shall be designed, manufactured and/or installed so that the flow will not exceed 2.5 gallons per minute for kitchen and 2.0 gallons per minute for lavatory.
 - (5) Public Restrooms: Faucets located in restrooms intended for unrestricted use by the general public shall be of the metering or self-closing type and shall comply with subsection (c)(4) of this section.
 - (6) Pressure Reducing Valve: A pressure reducing valve shall be installed by the property owner, in all new construction or remodeling where line pressure exceeds fifty (50) psi. This valve shall be adjusted so that the pressure at the highest point of use in the building shall not exceed fifty (50) psi. The provisions of this subsection are not intended to interfere with any provisions in the Uniform Fire Code.
- (d) Prohibition of Potable Water Flowing into Streets:
 - (1) It shall be unlawful for any person, firm or entity to allow raw or potable water used for irrigation to flow into or upon a public street for a period of ten (10) minutes or longer.
 - (2) If the irrigation water which is flowing into or upon a street is a direct result of an antiquated irrigation system (as determined by the Water Superintendent), the responsible individual shall provide an implementation plan within sixty (60) days of issuance of the notice of violation. This implementation plan shall provide for the upgrade, modernization and/or repair of the irrigation system, together with specific time frames to accomplish same. The period to complete the plan shall be as soon as

possible given the nature and cost of repairs and the size of the system to be repaired, but in no event shall it exceed twelve (12) months. Upon approval of the implementation plan, the responsible party shall not be subjected to any civil sanctions pursuant to subsection (g), provided that the upgrading and/or repairs are continuing in accordance with the approved time frames set forth in the plan. (Ord. 834, 2004; Ord. 825, 2002; Ord. 809, 2001; Ord. 801 §1, 2000; Ord. 799 §1, 2000; Ord. 753 (part), 1996; Ord. 751 (part), 1996)

(e) Incentive Program: The City Manager shall administer a program to provide a credit incentive for retrofitting of old plumbing fixtures and drought resistant landscaping improvements to any City of Williams water customers located within the city's water distribution system who meets any or all of the following criteria.

- (1) Installs a dual-flush water closet, or a waterless urinal. (Ord. 907, 2008; Ord. 834, 2004; Ord. 825, 2002; Ord. 809, 2001; Ord. 801 §1, 2000; Ord. 799 §1, 2000; Ord. 753 (part), 1996; Ord. 751 (part), 1996)
- (2) Installs shower heads using 2.5 gallons per minute or less, kitchen faucets using 2.5 gallons per minute or less and /or lavatory faucets using 2.0 gallons per minute or less, that also are not otherwise required to be installed pursuant to any building or plumbing code.
- (3) Installs an irrigation timer or a drip irrigation system for any existing turf.
- (4) Installs on a minimum of seventy-five percent (75%) of the total landscape area an inorganic ground cover (river rock, gravel, crushed rock, decomposed granite, cinders, etc.) and is in accordance with the City of Williams zoning code. (Ord. 834, 2004; Ord. 825, 2002; Ord. 809, 2001; Ord. 801 §1, 2000; Ord. 799 §1, 2000; Ord. 753 (part), 1996; Ord. 751 (part), 1996)
- (5) A minimum of seventy-five percent (75%) of the new plantings on a lot must be drought resistant shrubs and trees, or acceptable xeriscape.

CREDIT INCENTIVE TABLE:

Dual-flush water closet	\$50.00
Waterless urinal	40.00
Shower head	10.00
Kitchen faucets	20.00
Lavatory faucets	15.00
Irrigation timer	25.00
Turf conversion .25/sq. ft. up to a maximum of	350.00
Drip irrigation - 50% of cost not to exceed	50.00

(Ord. 907, 2008; Ord. 834, 2004; Ord. 825, 2002; Ord. 809, 2001; Ord. 801 §1, 2000; Ord. 799 §1, 2000; Ord. 753 (part), 1996; Ord. 751 (part), 1996)

(f) Restrictions During Water Shortages: The City Manager, upon the recommendation of the Water Superintendent, is hereby authorized to declare Water Conservation Levels. The conservation levels shall be initiated based upon the resource status which assessed the relationships between water demand, municipal safe production capability and

reservoir storage levels, weather conditions and historic data. The City Manager shall evaluate resource status levels no less than once per week. Such evaluation criteria shall be documented and made available to the public.

(1) The following Resource Levels are hereby defined as follows:

- (A) Resource Status Level 1: When water demand is equal to or less than safe production capability. Safe production shall be defined as a daily system demand of one million gallons per day/reservoir storage reserves of eighteen (18) months supply or more.
- (B) Resource Status Level 2: When water demand is greater than safe production capability for three (3) consecutive days or reservoir storage reserves are less than twelve (12) months supply in or before December of any year.
- (C) Resource Status Level 3: When water demand is greater than safe production capability for more than one (1) week, or reservoir storage reserves are less than ten (10) months supply in or before February of any year.
- (D) Resource Status Level 4: When water demand exceeds total production capability and distribution storage reserves are at fifty percent (50%); or reservoir storage reserves are less than ten (10) months supply any time after April.

(2) The following Water Conservation Measures shall govern the use of water by Williams water users, as prescribed below correlating to the Resource Status levels established in subsection 1.

- (A) Resource Status Level 1: Water Awareness. Water users are specifically encouraged to minimize waste in water used for irrigation, vehicle and pavement washing, construction and all other uses.
- (B) Resource Status Level 2: Water Restrictions. The following water uses are restricted or prohibited. No person shall:
 - (i) Irrigate or wash vehicles, except as provided herein and subject to such additional restrictions as contained herein. Even numbered addresses are restricted to said uses on Monday, Wednesday, Friday and Sunday; odd numbered addresses and all others are restricted to said uses on Tuesday, Thursday, Saturday and Sunday. Irrigation may take place only between the hours of 5:00 a.m. to 8:00 a.m. and 6:00 P.M. to 10:00 P.M.
 - (ii) Wash vehicles with a bucket and hose with a positive type shutoff nozzle. No restrictions at commercial car washes.
 - (iii) Wash paved areas such as driveways or sidewalks.
 - (iv) Use fire hydrants for other than emergencies.
- (C) Resource Status Level 3: Water Emergency.
 - (i) In addition to the restrictions set forth in the previous status levels, the following water uses are further restricted or prohibited:
 - (1) Filling or refilling swimming pools, spas or wading pools.
 - (2) No irrigation of golf course fairways and roughs. No restrictions if treated effluent is used.
 - (3) No landscaped areas may be irrigated more than two (2) times per week; additionally, irrigation may only take place between the hours of 6:00 p.m.

and 10:00 p.m. on Thursday and Sunday for even numbered addresses, and on Wednesday and Saturday for odd numbered addresses and all others. No restrictions if treated effluent is used.

(D) Resource Status Level 4: Water Crisis.

- (i) The following water uses are restricted or prohibited. No person shall:
 - (1) Do any of the acts prescribed in previous status level restrictions.
 - (2) Use potable or raw water for irrigation.
 - (3) Use potable or raw water for any purpose other than public health or emergency purposes.
 - (4) Use potable or raw water in violation of any other restriction deemed necessary by the City Council.
 - (5) No new commercial or residential building permits will be issued.
 - (6) All commercial water hauling is stopped except for residential purposes.

(g) Excessive Water Consumption Rates: During Resource Status Level 3 and Resource Status Level 4, Single Family Residential rates shall increase to one hundred fifty percent (150%) of the established rate for any water consumption between fifteen thousand (15,000) and twenty thousand (20,000) gallons. Rate shall increase to two hundred percent (200%) of the established rate for any water consumption greater than twenty thousand (20,000) gallons per billing cycle. Rate increases shall take effect with the billing cycle(s) following implementation of Resource Status Level 3.

(h) New Landscape Permits: Daily irrigation of new landscape may be allowed for elective landscaping and will be allowed for required landscaping, by obtaining a Special Use Irrigation Permit from the Building Department.

- (1) The permit shall be good for a maximum of thirty (30) days.
- (2) The fee for the permit shall be determined by the square feet of landscaping to be installed at twenty-five cents (\$0.25) per square foot, with a maximum of two thousand five hundred (2,500) square feet per permit, plus a ten dollar (\$10.00) fee to cover administration and printing.
- (3) The permit shall be obtained prior to landscape installation and prominently posted at the irrigation site.
- (4) The determination of provision of an elective landscaping permit shall be made by a representative of the Utilities Department and may be appealed by the application to the City Council, if thought to have been unreasonably denied. The decision of the City Council shall be final.
- (5) Resource Status Level 2 restrictions shall apply to all Special Use Irrigation Permit(s).
- (6) No new elective or required Special Use Irrigation Permits for landscaping will be issued when at Resource Status Level 4.
- (7) Landscaping not installed and required by the City of Williams to meet the Land Development Code will not delay a Certificate of Occupancy to be issued, providing its installation is delayed as a result of a suspension of new landscaping permits and a surety is provided acceptable to the Community Development Department.

- (i) Violation Surcharges and Appeals: When a violation of the Water Restrictions is observed by one of the designated City Employees, that employee will photograph the violation and fill out a water violation report and turn it in to the Code Enforcement Officer. The following surcharges will apply to all violations deemed to be valid by the Code Enforcement Officer:
- (1) A surcharge of twenty-five dollars (\$25.00) shall be assessed to the account of record for a violation of Resource Status Level 2.
 - (2) A surcharge of thirty-five dollars (\$35.00) shall be assessed to the account of record for a violation of Resource Status Level 3.
 - (3) A surcharge of one hundred dollars (\$100.00) shall be assessed to the account of record for a violation of Resource Status Level 4.
 - (4) Surcharges shall double for every repeat violation. Each succeeding surcharge under the prevailing Resource Status Level may be twice the previous surcharge assessed for the previous violation.
 - (5) The assessment of the surcharge may be informally appealed, in writing, within fifteen (15) calendar days of the notice of the surcharge assessment. The written appeal shall be received by the City of Williams Utilities Department within the said fifteen (15) day time limit or the right to such appeal shall be permanently waived. Address all surcharge related correspondence to the City of Williams Utility Department.
- (j) Penalties: A violation of any provision of subsection (c), (d) and (f) shall be a civil violation and shall be subject to penalties for each day the violation continues; provided, however, that a second offense of said violation shall result in a mandatory minimum sanction of one hundred dollars (\$100.00) and a third offense shall result in a mandatory minimum sanction of two hundred and fifty dollars (\$250.00). Mandatory minimum sanctions shall not be waived. In addition to any legal or equitable remedy to enforce the provisions of this Code, the City may terminate or suspend water service to property owned or controlled by any party in violation. The City Manager or designee may cause a notice of water termination to be served upon the violating party stating that service will be discontinued in five (5) days unless a hearing is requested. If a hearing is requested, the City Manager or designee shall convene a hearing within three (3) days of the request. Upon finding that a violation has occurred, the City Manager or designee may order that water service be terminated or suspended pending compliance with this Code. (Ord. 834, 2004; Ord. 825, 2002; Ord. 809, 2001; Ord. 801 §1, 2000; Ord. 799 §1, 2000; Ord. 753 (part), 1996; Ord. 751 (part), 1996)

Article 8-4.09 - Restrictions on Business and Industrial Uses All businesses and industries using City water shall be restricted to the use of the amount of water used by the business or industry during the corresponding month of the year preceding the effective date hereof.

- (a) The provisions of this Article shall not apply to those businesses and industries declared by Resolution of the Council, to be necessary for the public health, safety and welfare.
- (b) Businesses and industries processing animal, vegetable, and mineral matter for food

purposes shall be regulated in the use of water as the City Manager determines the minimum quantities in a particular food processing business.

- (c) All public and private records necessary to determine the uses of water restricted by this Chapter shall be made available to the City Manager upon his written request.

Article 8-4.10 - Application of Regulations The provisions of this Chapter shall apply to all persons using water both in and outside of the City, and regardless of whether any person using water shall have a contract for water service with the City.

Article 8-4.11 - Penalties A violation of any provision shall be a civil violation, and shall be subject to penalties for each day the violation continues; provided, however, that a second offense of said violation shall result in a mandatory minimum sanction of one hundred dollars (\$100.00), and a third offense shall result in a mandatory minimum sanction of two hundred fifty dollars (\$250.00). Mandatory minimum sanctions shall not be waived. In addition to any other legal or equitable remedy to enforce the provisions of this Code, the City may terminate or suspend water service to property owned or controlled by any party in violation. The City Manager or designee may cause a notice of water termination to be served upon the violating party stating that service will be discontinued in five (5) days unless a hearing is requested. If a hearing is requested, the City Manager or designee shall convene a hearing within three (3) days of the request. Upon finding that a violation has occurred, the City Manager or designee may order that water service be terminated or suspended pending compliance with this Code. (Ord. 753 (part), 1996)

Article 8-4.12 - Severability The provisions in this Article 8-4, et seq. are declared to be severable, and if any section, sentence, clause or phrase of this Article shall for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, sentences, clauses or phrases of this Code, but they shall remain in effect, it being the legislative intent that this Code shall stand notwithstanding the invalidity of any part. (Ord. 753 (part), 1996: Ord. 751 (part), 1996)

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CHAPTER 8-5 – AIRPORT REGULATIONS (Ord. 570)

Article 8-5.01 - Definitions Whenever the following words or terms are used in this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said Section defines the term differently.

- (a) Airport - The word "airport" shall refer to the Williams Municipal Airport.
- (b) Committee - The word "committee" shall refer to that Committee or Commission appointed by the City Council to conduct airport planning, to advise the Council on matters pertaining to the Airport, and to administer this Code.
- (c) Director - The word "Director" shall mean that individual appointed by the City Council to perform the duties of Director as specified in this Code.
- (d) Field Area - The term "field area" shall mean that area used for aircraft taxiing, run-up, take-off, landing, tie-downs, loading and unloading of passengers and baggage. It shall also mean all areas used by vehicles or pedestrians to gain access to any of the above, and any area designated as such by the Director.
- (e) Public Area - The term "public area" shall mean all other airport areas unless designated by a tenant or the Director as a non-public area. The Director shall have the power to overrule a designation by a tenant and declare an area to be public.

Article 8-5.-02 - General Rules and Regulations

- (a) The Committee may recommend such rules, regulations, orders and instructions as are necessary in the administration of this Chapter. It may recommend that the Council authorize the Director to post signs at the Airport in conformity with such rules, regulations, orders or instructions. Each person on the Airport shall comply with these orders, regulations and signs.
- (b) The Airport shall be conducted a_; a public air facility for the promotion and accommodation of civil aviation associated activities.
- (c) The Airport shall be open for public use at such hours and subject to such restrictions as may be determined by the Council.

Article 8-5.03 - Aircraft Operations

- (a) No person shall conduct any aircraft operation to, on, from or over the Airport, except in conformity with all Federal Aviation Administration regulations, the applicable provisions of Title 28, Chapter 12 of Arizona Revised Statutes, this City Code and the rules and regulations established by the Committee.
- (b) No person shall take off or land an airplane on the Airport except on hard surface area, unless otherwise authorized by the Director.
- (c) All airplane traffic shall conform to the established traffic pattern as approved by the Committee and posted at the Airport. Based helicopter operators will submit traffic pattern to the Committee for approval.

- (d) No person shall park an aircraft on any runway or taxiway at the Airport.
- (e) No person shall park or store an aircraft at the Airport except in areas designated by the Committee.
- (f) Preventive maintenance work, as defined in Title 14, Part 43, Appendix A(c), Code of Federal Regulations, may be performed at the Airport tie-down areas by the owner or operator of the aircraft. Aircraft owners who possess current mechanic ratings such as A&P and A&I may do additional work in the tie-down areas subject to the approval of the Director. All other aircraft maintenance, rebuilding, and alterations shall be performed only in areas designated by Committee recommendation.
- (g) No person shall conduct experimental flight or ground demonstrations on the Airport without prior permission of the Director and FAA approval.
- (h) No person shall take any aircraft from the landing area or hangars or operate such aircraft: while under the influence of intoxicating liquor or a dangerous drug.
- (i) No person shall board or disembark from any airplane on a runway or in the take-off or landing area except in an emergency, without prior approval of the Director.
- (j) Persons parking transient aircraft in terminal transient areas shall register their aircraft with the Director or his representative as soon as possible after landing at the airport.
- (k) All owners and operators who desire to base their aircraft at the Airport shall register their aircraft with the Director or his representative prior to beginning operations. Any change in ownership of the aircraft shall be reported immediately.
- (l) No person shall leave an aircraft unattended unless it is property tied-down or placed in a hanger.
- (m) No engine in an aircraft shall be started or run without a competent person at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has adequate parking brakes. No aircraft engine shall be operated in such manner as to endanger life or property.
- (n) No aircraft shall be operated in, or taxied into or out of, a hangar.
- (o) If the Director believes the conditions at the Airport, or any portion thereof, are unfavorable for aircraft operations, he may close the Airport, or such portions thereof, using applicable FAA procedures, as appropriate.
- (p) No airplane capable of movement on the ground shall be operated on the Airport unless it is equipped with wheels and wheel brakes, except with permission of the Director.
- (q) No aircraft shall be permitted to remain on any part of the landing or take-off areas for the purpose of repairs.
- (r) All aircraft shall be taxied at slow and reasonable speeds and shall not be taxied onto a runway without first stopping and waiting for any approaching aircraft preparing to land.

- (s) No person shall, without the owner's permission, interfere or tamper with an aircraft parked or stored at the Airport.
- (t) No persons shall move an aircraft on the Airport in a negligent or reckless manner.
- (u) No person shall start or taxi any aircraft on the Airport in a place where the air or exhaust blasts is likely to cause injuries to persons or property. If the aircraft cannot be taxied without violating this paragraph, the operator must have it towed to the desirable destination.

Article 8-5.04 - Aircraft Accident Procedures

- (a) Persons involved in aircraft accidents occurring at the Airport shall make a full report thereof to the Director or his representative, within twenty-four (24) hours after such accident.
- (b) Any person damaging property at the Airport by means of contact with aircraft shall report such damage to the Director immediately and shall be fully responsible to the City for costs of repairs.
- (c) Every pilot and aircraft owner shall be responsible for the prompt removal of this disabled aircraft or parts thereof, as directed by the Director or his representative, subject to accident investigation requirements.

Article 8-5.05 - Motor Vehicle Regulations

- (a) No motor vehicle shall be operated on the Airport if it is so constructed, equipped or loaded as to endanger persons or property.
- (b) Each operator of a motor vehicle involved in an accident between that vehicle and an aircraft, or in any other motor vehicle accident on the Airport that results in personal injury or in total property damage of more than fifty (\$50) dollars, shall make a full report thereof to the Director as soon as possible after the accident. The report must include name and address of the person reporting.
- (c) No person shall operate any motor vehicle on the Airport in violation of this Chapter or rules promulgated and posted by the Committee or the laws of the State of Arizona.
- (d) No person shall operate a motor vehicle on the Airport in a negligent or reckless manner, or in excess of posted speed limits.
- (e) No motor vehicle shall be permitted on taxiways, runways, or operational areas except authorized maintenance or service vehicles, without prior permission of the Director.
- (f) No person shall operate a vehicle on, to, or across a runway, except when authorized by the Director or his representative.
- (g) Operators of motor vehicles on the field area shall yield the right-of-way to taxiing aircraft.

- (h) All motor vehicles on the field area shall pass to the rear of aircraft whose engines are running.
- (i) When backing gasoline tenders, the driver shall remain in the vehicle and shall not stand on the running board or fender. Gasoline tenders shall at no time be so positioned as to prevent their rapid removal.
- (j) Except as authorized by the Director, no person shall clean or make any repairs to motor vehicles anywhere on the Airport other than designated shop areas, except those minor repairs necessary to remove such motor vehicle to a proper location.
- (k) Parking:
 - (1) No person shall park or stand a motor vehicle on the Airport except in an area specifically designated therefore.
 - (2) No person shall park a motor vehicle in any posted area on the Airport for a period longer than that prescribed by the City.
 - (3) No person shall park a vehicle in a restricted or reserved area on the Airport unless he displays, in the manner prescribed by the Director, a parking permit issued by the Director for that area.
 - (4) No person shall double park a motor vehicle on any road at the Airport.
 - (5) No person shall abandon a motor vehicle on the Airport.
 - (6) No person shall park or stand a motor vehicle at any place on the Airport in violation of any sign posted upon the recommendation of the Committee, approved by the Council.
 - (7) No person shall park or stand a motor vehicle within fifteen (15) feet of a fire hydrant on the Airport, or park in such a manner as to block any fire gate or entrance.
 - (8) No person shall park a motor vehicle in any marked space in such a manner as to occupy more than one space.
 - (9) No person shall park a motor vehicle in individual storage hangars or aircraft shelters unless permitted by the owner or Lessee of said structure.
 - (10) The Director, or his representative, may remove, at the owner's expense, any motor vehicle which is parked on the Airport in violation of this Chapter. The vehicle shall be subject to a lien for the cost of removal.

Article 8-5.06 - Taxicabs

- (a) No person shall operate a vehicle that is carrying passengers for hire from the Airport unless he is the holder of a contract authorizing same by the Council.
- (b) Except for discharging passengers, no person shall park on the Airport, a vehicle used for the purpose of carrying passengers for hire unless he is the holder of a contract authorizing same by the Council.

- (c) No person shall, on the Airport, solicit or invite any person to ride in a vehicle used for the purpose of carrying passengers for hire, either by driving slow past a loading entrance to an airport building or by any other act or utterance calculated to induce that person to engage the vehicle, unless said taxicab operator is the holder of a contract authorizing same by the Council.

Article 8-5.07 - Rules of Conduct

- (a) No person shall commit any act or nuisance on the Airport.
- (b) No person shall dispose of garbage, papers, refuse or other material on the Airport except in receptacles provided for that purpose.
- (c) No person shall destroy, injure, deface or disturb any building, sign, equipment, marker or other structure, tree, flower, lawn or other public property on the Airport.
- (d) No person shall alter, make additions to, or erect any building or sign or make any excavations on the Airport without the permission of the Council upon recommendation of the Committee, subject to lease provisions.
- (e) No person shall willfully abandon any personal property on the Airport.
- (f) No person may ride horseback on the Airport without permission of the Director.
- (g) No person shall hunt, pursue, trap, catch, injure or kill any bird or animal on the Airport without authorization of the Director.
- (h) No person shall solicit fares, alms, or funds for any purpose on the Airport without permission of the Director.
- (i) No person shall post, distribute or display signs, advertisements, circulars or other printed or written matter in the public area of the Airport without permission of the Director.
- (j) No person may enter the Airport with a dog or other domestic animal unless-the animal is kept restrained by a leash or is confined so as to be completely under control.
- (k) No person shall remain on any part of the Airport more than the time reasonably necessary to complete Airport related business.
- (l) No unauthorized person shall enter any restricted area posted as being closed to the public.
- (m) No person shall use a restroom other than in a clean and sanitary manner.
- (n) No person shall drink alcoholic beverages in the terminal building lobby.

Article 8-5.08 - Commercial Photography No person shall take a still, motion or sound picture on the Airport for commercial purposes without the permission of the Director. The Director may allow the following:

- (a) Professional photographers and motion picture cameramen photographing events on the Airport as representatives of news concerns or bona-fide news publications.

- (b) Professional photographers and motion picture cameramen photographing events at the Airport, for non-profit exhibit, to stimulate interest in air commerce or travel or for nonprofit educational purposes.
- (c) Professional photographers photographing scenes on the Airport for general artistic purposes.

Article 8-5.09 - Use of Roads and Walks

- (a) No person shall travel on the Airport except on a road, walk or other place provided for the kind of travel he is doing.
- (b) No person shall occupy or place an object on a road or walk on the Airport in a manner that hinders or obstructs its proper use.
- (c) No person shall walk in a picket line as a picket, or take part in a labor or other public demonstration on any part of the Airport except in a place specifically assigned by the Director for picket lines or oth-2r public demonstrations.

Article 8-5.10 - Use of Gate Positions

- (a) No person shall use an aircraft gate position on the Airport unless he has been authorized to use it.
- (b) Except in an emergency, no person shall emplane or deplane passengers on the Airport in an area that has not been established for that purpose by the council upon recommendation of the Committee.
- (c) No person shall park an aircraft which is carrying explosives or flammable materials, nor shall he load or unload such items on or from such aircraft, other than in areas designated by the Council upon recommendation by the Committee.
- (d) No person may repair an aircraft while it is parked at the gate position except for minor adjustments.

Article 8-5.11 - Fire Hazards and Fueling Operations

- (a) No person shall use a flammable volatile liquid having a flash point of less than one hundred (100) degrees Fahrenheit to clean an aircraft, aircraft engine, propeller or appliance in an aircraft hangar or similar type building, nor within fifty (50) feet of another aircraft, building or hangar.
- (b) No open flame, flame-producing device, or other source of ignition shall be permitted in any hanger or similar type of building except by locations approved by the Council upon recommendation by the Committee.
- (c) No person shall smoke on any apron or ramp, in any hangar or shop, in any aircraft or in any other place on the Airport where smoking is specifically prohibited by the Council upon recommendation of the Committee.

- (d) No person shall store or stock material or equipment on the Airport in a manner that constitutes a fire hazard. No person shall store any combustible materials, flammable liquids or other hazardous materials in an aircraft hangar or other building on the Airport except in locations and containers approved by the Williams Fire Department.
- (e) Each person to whom space on the Airport is leased, assigned, or made available for use shall keep the space free and clear of oil, grease, or other foreign materials that could cause a fire hazard or a slippery or otherwise unsafe condition.
- (f) No person shall conduct a doping process on the Airport except in a properly designed fire resistive and ventilated room or building in which all lights, wiring, heating, ventilating equipment, switches, outlets and fixtures are approved for use in such a hazardous areas, and in which all exit facilities are approved and maintained for such use, or except in an open area as designated by the Council upon recommendation of the Committee. No person shall enter or work in a dope room while doping processes are being conducted unless he is wearing spark-proof shoes.
- (g) No person shall fuel or defuel an aircraft on the Airport while its engine is running or is being warmed by applying external heat, or while passengers are in the aircraft unless a passenger loading ramp is in place at the cabin door, the door is open, and a cabin attendant is at or near the door and a "No Smoking" sign is displayed in the cabin and the rule is enforced.
- (h) No person shall knowingly start the engine of an aircraft on the Airport if there is any gasoline or other volatile flammable liquid on the ground around it of sufficient quantity to constitute a hazard.
- (i) No person shall operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the Airport while it is being fueled or defueled.
- (j) During the fueling of an aircraft on the Airport, the dispensing apparatus and the aircraft shall both be grounded in accordance with orders and instructions of the Committee.
- (k) Each person engaged in fueling or defueling on the Airport shall exercise care to prevent the overflow of fuel, and shall have readily accessible and adequate fire extinguishers. Each truck, hose, funnel or appurtenance used in fueling or defueling an aircraft on the Airport shall be maintained in safe, sound and not leaking condition and must be properly grounded to prevent ignition of volatile liquids.
- (l) During the fueling or defueling of an aircraft on the Airport, no person shall within fifty (50') feet of that aircraft, smoke or use any material that is likely to cause a spark or be a source of ignition.
- (m) All persons shall comply with the provisions of the Williams Fire Code.

- (n) The City Fire Chief or his duly authorized representative shall inspect monthly, or as often as may be necessary, all buildings and premises for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread or endanger life or property from fire. All orders, notices, or recommendations of the City Fire Chief shall be complied with by all persons without delay.

Article 8-5.12 - Obligations of Tenants

- (a) Property to be used or occupied for any purpose prohibited by this Code.
- (b) No tenant, lessee, concessionaire, or agent of any of them, doing business on the Airport, shall keep uncovered trash containers on a sidewalk or road or in a public area of the Airport, or operate an uncovered vehicle to haul trash on the Airport.
- (c) No person shall operate a vehicle for hauling trash, dirt, or any other material on the Airport, unless it is built to prevent its contents from dropping, sifting, leaking or otherwise escaping.
- (d) No tenant or lessee of a hanger, shop facility or other operational area shall store or stack equipment or material in a manner to be a hazard to persons or property.
- (e) Each tenant or lessee of a hangar, shop facility or other operational area shall supply and maintain adequate and readily accessible fire extinguishers, which comply with the standards established by the Uniform Fire Prevention Code for the hazard involved.
- (f) The Director, or an authorized representative, shall have the right at all reasonable times to inspect all areas under lease to or occupied by tenants.

Article 8-5.13 - Commercial Operations As the operator and proprietor of the Airport, on behalf of the citizens of the City, it is the policy and intent of the City Council:

- (a) To operate the Airport in a businesslike manner with as little cost as possible to the taxpayer through the imposition of fair and reasonable rentals, fees and charges.
- (b) To provide for both private and commercial aviation at the Airport to the extent practicable within physical, economical and environmental constraints.
- (c) To provide for the full range of on-base aeronautical support through private enterprise consistent with the need for the service and the availability of space and physical facilities.
- (d) To protect Airport patrons and users from unsafe and inadequate aeronautical service and to maintain and preserve all Airport facilities in a safe, secure and orderly condition.
- (e) To promote fair competition and not to expose those who have lawfully undertaken to provide commodities and services at the Airport to irresponsible, unethical, or unauthorized competition.

- (f) To permit and provide adequate facilities for owners of general aviation aircraft to work on and service their own aircraft within such limits as may be imposed by this Chapter or air regulation for purposes of safety, preservation of airport facilities, and protection of the public interest.
- (g) To promote the utility, educational, and recreational aspects of general aviation.
- (h) No person shall engage in any business or commercial activity on the Airport, without a business license approved by the City Council. This prohibition shall apply to persons who use the Airport as a base for conducting their activity but whose office or other place of business is not situated on the Airport. This prohibition does not apply to.
 - (1) Terminates elsewhere and the Williams Airport is utilized as a temporary stopping place for such purposes as landing, refueling or other aeronautical service, or the embarking or debarking of passengers, except in the case of charter or air taxi airlines.
 - (2) Company or corporate-owned aircraft where personnel or products are transported free of charge; the trip being merely incidental to the company's principal business and not, in itself, a major enterprise for profit.
 - (3) Casual or isolated transactions such as sales by the owner.
- (i) For purposes of this Chapter, a “business or commercial activity” includes the following types of activities when done for hire, compensation or reward: Retail sales of any goods, wares, merchandise or services; pilot training and flight instruction; sale, rental or charter of aircraft; air carrier and air taxi operations ; sale of aviation petroleum products; sale or service of aircraft parts, avionics, instruments or other aircraft equipment; repair, maintenance, rebuilding, alteration or exchange of aircraft and aircraft engines, components or other parts; and flying clubs.

Article 8-5.14 - Rates and Charges A schedule of rates and charges for use of the Airport and its facilities shall be established by the City Council, and each person or organization subject to said rates and charges shall promptly pay the amounts due. A copy of such schedule shall be kept in the Office of the City Clerk and copies furnished upon request.

Article 8-5.15 - Violations The provisions of this Code shall be deemed incorporated in every lease and violations of its provisions or of any rule, regulation, order or instruction issued by the Council upon recommendation of the Committee or by the Director may result in withdrawal of permission by the Council to use the Airport.

Article 8-5.16 - Penalty Any person who shall violate any of the provisions of this Chapter shall be guilty of a Class 1 Misdemeanor.

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CHAPTER 8-6 – PARKS AND RECREATION

Article 8-6.01 - Presence in Parks No person shall trespass upon or be upon the grounds, other than public sidewalks or streets located therein, of any municipal park, playground or golf course without the express written permission of the Parks and Recreation Director between the hours of 10:30 P.M. and 6:00 A.M.; provided, however, with respect to any municipal park, playground or other facility that is equipped with either general area or athletic lighting which is functioning, the closing time shall be extended to 12:00 midnight.

Article 8-6.02 - Vehicles on Grounds No person shall drive or ride at any time any automobile, truck, motorcycle, motor scooter or any other vehicle upon the grounds of any municipal park, playground or golf course, except in public streets running through such premises or within designated parking areas located upon the premises, or in such areas as are designated in writing in advance by the City Manager, or his designee. No person shall ride, bring, guide, cause or allow any horse or any animal under his control to be in or upon the grounds of any municipal park, playground or golf course, except in such areas thereof as are designated in writing in advance by the City Manager, or his designee.

Article 8-6.03 - Damaging Facilities No person shall damage or wastefully or improperly use the toilet, water and sewer facilities in any municipal park, playground or golf course or cause the lighting facilities or electrical appliances to be turned on or used without the express written permission of the Parks and Recreation Director.

Article 8-6.04 - Swimming, Wading and Boating in Parks No person shall swim, wade or operate a boat upon any lake, lagoon or other water facility located in any city park or area within the city limits without the express written permission of the Parks and Recreation Director.

Article 8-6.05 - Speed Limit No person shall drive, operate or ride any automobile, truck, motorcycle, motor scooter or any other motor vehicle in or upon the grounds of any municipal park, playground or golf course at a speed greater than five (5) miles per hour.

Article 8-6.06 - Reserved Use Permit

- (a) A permit shall be obtained from the Director whenever any person or group desires to reserve any portion of the public parks or recreational facilities for any activity. The Director shall interpret this Article and may act in any case not specifically covered by this Article. Any request for a use not contemplated or prohibited in this Article may be forwarded to the City manager, who will take the matter before the City Council for its consideration.
- (b) Department-organized recreation activities shall be given first preference for use of facilities.

- (c) An application for permission to reserve a park or portion thereof or parks and recreation facilities by persons or groups not officially a part of the Parks and Recreation Department shall be initiated at least two (2) weeks prior to the requested date and have written approval of the Director; provided, that in extraordinary cases, the Director may waive or shorten the time.

Article 8-6.07 - Approval; Revocation; Rules

- (a) All activities must be under competent, adult supervision with the organization using the facility assuming full responsibility for any damage to the facility or the equipment. The city employee on duty shall exercise authority over the organization or its activities. If the adult supervision is inadequate, it shall be the responsibility of the recreation leader on duty to report same to the City. Clean up of the contracted area will be the responsibility of the user. The user shall be charged on an hourly basis to pay for clean up if it is necessary for the City to provide additional clean up services. The fees or charges shall be established by the City Council and administered by the Parks and Recreation Director; provided, however, the City Council may, in appropriate cases, waive the user fee or charge.
- (b) All permits shall be revocable for cause by the Parks and Recreation Director or upon the finding of a violation of any rule, this code or other City ordinance or State statute. If notice of cancellation of a request is not received at the City office at least forty-eight (48) hours prior to the date of the event, the permit holder may be held responsible for all charges at the discretion of the Director.
- (c) No apparatus such as scenery or furniture and equipment shall be moved into a park facility unless special permission is granted in advance and so stated in the permit. Such apparatus, furniture or equipment, provided by the holder of the permit, shall be removed from the park area promptly after use and before 8:30 A.M. the following morning so there shall not be any interference with normal park and recreation programs. Failure to comply shall prohibit such groups from using facilities at a later date.
- (d) The organization using facilities shall indemnify the City for any and all damage to the facility by any person or persons attending the affair, and all liability and damages to any person for injuries, including death. Adequate insurance as determined by the legal staff of the City shall be provided by each organization using park facilities to cover such liability listing the City as an "Additional Insured". Responsibility for loss, breakage or need for repair of any piece of furniture, equipment or portion of the facility or area , rests solely with the person in charge, the individual signing the agreement, who shall report same to the Parks and Recreation Director.
- (e) Building facilities and areas must be vacated by 10:30 P.M. unless permission is otherwise granted specifically in the permit holder to assure that this policy is administered. Programs shall be conclude in time to provide for clean up and clearance of the facility as stated in the permit.
- (f) The following specific rules shall be observed while using any facility and the permittee shall be responsible for any loss or damage growing out of such violation:

- (1) The use of tobacco in any facility in any form shall be carefully controlled. No smoking shall be allowed unless proper and adequate containers are provided.
 - (2) Functions shall be confined to the specific part of the facility assigned to the permittee.
- (g) Prohibitions:
- (1) The sale of intoxicating beverages is prohibited, except for concession premises with appropriate licensing and written permission from the City Manager.
 - (2) The following activities shall be prohibited unless approved by the City Council.
 - (A) Weddings and wedding receptions.
 - (B) Religious ceremonies.
 - (C) Continuous use of part: and recreation facilities for religious services or political purposes.
 - (D) The use of intoxicating beverages.
 - (E) Activities not sponsored or conducted by a City resident.
- (h) The total number of people admitted for any usage shall not exceed the seating capacity of the facility involved, as determined by the Parks and Recreation Department.
- (i) All statutes and ordinances of the Federal, State, County, and City shall be complied with.
- (j) A minimum of one (1) City employee shall be on duty at all times when Parks and Recreation Department facilities are rented. He shall be responsible to the Parks and Recreation Director, paid by the Parks and Recreation Department and no organization using a parks and recreation facility shall make any payment to such employee.
- (k) The use of special equipment shall be permitted only when operated by Parks and Recreation Department employees or other persons specifically authorized in the permit. When used by other than parks and recreation employees, and so stated in the permit, the special equipment must be returned in the condition in which it was found, with exception of normal wear, or the user shall be responsible for repair or replacement charges.
- (l) No material of any kind shall be attached to any part of the facility or area without express written approval from the Parks and Recreation Director.
- (m) If control personnel, parking attendant, etc., are necessary, such personnel shall be supplied by the applicant. The Parks and Recreation Director, Chief of Police or others as determined by the City manager shall specify when control personnel are necessary.
- (n) Concession rights shall be reserved unless specifically stated otherwise in the permit.
- (o) No Parks and Recreation Department kitchen facility shall be used except as specifically outlined by the Parks and Recreation Department. The usual rental charge shall be consistent with actual cost incurred by the City. Facilities must be cleaned after use and approval inspection given.

- (p) Sidewalks, roadways and parking facilities shall be those specially surfaced areas within the park property constructed for that purpose.
- (1) A maximum speed of 5 m.p.h. shall be in effect at all times.
 - (2) Parking shall not be allowed except within specifically designated parking areas.
 - (3) Unlicensed motor vehicles or unlicensed operators shall not be allowed on any park property. With the exception of City or authorized maintenance vehicles, all motor vehicles shall remain on surfaced roadways at all times.
 - (4) Horses shall be allowed only on specific bridle paths or other designated locations.
- (q) Continuous use of facilities by clubs or enterprises shall be permitted through signed agreements which shall be reissued as necessary at the direction of the Parks and Recreation Director. No permit shall exceed a period of time of one (1) year. Permits may be reissued each year with the approval of the Director of Parks and Recreation.
- (r) When an application for use of the facilities has been approved by the Parks and Recreation Department, notification shall contain the date, hours of use, age of group, type of activity and the number of participants.

CHAPTER 8-7 – SNOW RELATED FUNCTIONS (Ord. 626)

Article 8-7.01 - Definitions Whenever the following words or terms are used in this Chapter, they shall have the meaning(s) herein ascribed to them, unless the context makes such meaning repugnant thereto, or unless said section defines the terms differently.

"Business day" means any day not a Sunday or a national holiday.

"Business hours" means the hours between 8:00 a.m. and 6:00 p.m. on any business day.

"Director of Public Works" means the Director of Public Works or, in his absence, his duly designated and acting representative.

"Person" means any individual, partnership, corporation, joint stock company, syndicate or other entity.

"Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

"Street" or "highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Ord. 766 (part), 1997)

Article 8-7.02 - Snow and Ice Removal From Sidewalks

- (a) Every person in charge or control of any building or lot of land within the City fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path or at least thirty-six (36) inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.
 - (1) Except as provided in subsection (b) below, snow and ice shall be so removed from sidewalks in all business districts within the City within twenty-four (24) hours after the cessation of all fall of snow, sleet or freezing rain.
 - (2) Except as provided in subsection (b) below, snow and ice shall be so removed from all other sidewalks within the City on the same day of the cessation of any fall of snow, sleet or freezing rain within the first six (6) hours of daylight after the cessation of any such fall, whichever period is longer.
- (b) However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within the time mentioned in subsection (a) above, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in said sidewalk of at least thirty-six (36) inches in width to be thoroughly cleaned. (Ord. 766 (part), 1997)

Article 8-7.03 - Snow and Ice Removal from Public Transportation Every person, operating a public transportation system within the City employing motor buses, trackless trolleys, trains, or streetcars, shall remove and clear away, or cause to be removed and cleared away, snow and ice from its passenger loading and unloading areas and its tracks, if any. Snow and ice from said passenger loading and unloading areas shall be removed and cleared away within the first six (6) hours of daylight after the cessation of any fall of snow, sleet, or freezing rain; except that if the snow and ice has become so hard that it cannot be removed without likelihood of damage to the underlying surface, such operator shall, within the said six (6) hour period, cause enough sand or other abrasive to be put on the passenger loading and unloading area to make walking thereon reasonably safe. He shall then, as soon thereafter as weather permits, cause said area to be thoroughly cleaned.

Article 8-7.04 - Snow and Ice Removal From Roofs Every person, in charge or control of any building or other structure within the City, whether owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but no later than the end of the first eight (8) hours of daylight after the cessation of any fall of snow, sleet or freezing rain.

Article 8-7.05 - Snow and Ice Deposits Restricted No person shall deposit or cause to be deposited, any snow or ice on or against a fire hydrant or on any sidewalk, street, roadway, or loading and unloading areas of a public transportation system, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof, or windrowed on curbs incident to the cleaning of sidewalks in business districts.

Article 8-7.06 - Failure to Perform In the event of the failure of any person to clear away any snow and ice from any sidewalk as hereinbefore provided, or failure to cause this to be done, the Director of Public Works shall, as soon as practicable after such failure, cause such work to be done. The Director of Public Works shall ascertain and keep a record of the exact cost of all work he causes to be done due to the act or omission of each person, and he shall identify these persons or entities with particularity. Each such person or entity by whose failure makes it necessary that the Director of Public Works causes work to be done, shall be liable to the City for the cost of such work plus a penalty of ten percent (10%) of such cost. It shall be the duty of the Director of Public Works, or other appropriate official, to sue for these costs and penalties, and it shall be the duty of the City Attorney to assist in the bringing of these suits. (Ord. 766 (part), 1997)

Article 8-7.07 - Parking Regulations During Snow Removal No person shall park, or permit to be parked, any vehicle on any public street, boulevard or alley during snow removal. (Ord. 766 (part), 1997)

Article 8-7.08 - Removal of Vehicles If any vehicle is standing or parked in violation of this Chapter, the Police Department is authorized to remove the vehicle, or cause it to be removed, to the nearest garage or other place of safety and such removal shall be at the cost and expense of the person owning or controlling such vehicle.

Article 8-7.09 - Penalty Any person who violates any provision of this Ordinance shall be deemed guilty of a Class 3 Misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as if each day was a separate violation.

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CHAPTER 8-8 – SIDEWALKS

Article 8-8.01 - Definitions

- (a) "Sidewalk": The term "sidewalk" as used herein shall include any sidewalk, crosswalk, or driveway, adjoining any public street or alley and abutting or adjoining any private property.
- (b) "Sidewalk": The term "sidewalk" also means the strip of land between the curb line of the street and the inside property line, whether covered with a cement walk or not.
- (c) "Person": The term "person" shall extend and be applied to Firms, corporations or voluntary associations, as well as individuals.

Article 8-8.02 - Unsafe Sidewalks: No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe.

Article 8-8.03 - Maintenance: All persons owning or occupying any real property in this City fronting upon -any public street, lane, or alley of this City, are hereby required to keep the sidewalks immediately in front of said property free from weeds and all vegetation growing thereon, except such as may be sown or planted for purposes of ornamentation, and free from dirt, filth, garbage or rubbish, other than the natural soil of the same, and to keep said sidewalk and said space free from any hole or holes, or any obstructions dangerous to life or limb.

Article 8-8.04 - Nuisance: Any such debris, weeds or rubbish on any sidewalk or any sidewalk in a state of disrepair, or with obstructions dangerous to life and limb are hereby declared to be a nuisance.

Article 8-8.05 - Notice to Remove Debris: The Superintendent of Streets shall notify the occupants and owners of the premises to remove or repair within ten (10) days from the receipt of such notice, all such weeds, debris, rubbish or obstructions from the sidewalks or to repair said sidewalks, and upon failure to do so within the said ten (10) days, the Superintendent of Streets will cause the removal or repair at the expense of the said owner or occupant.

Article 8-8.06 - Excavating: Nothing herein contained shall prevent excavating through or across any sidewalk where such excavating is done in accordance with the terms and provisions of any other ordinance of this City, and in accordance With the regulations therein contained ^covering said excavation.

Article 8-8.07 - Service of Notice: Notice shall be given in writing, by serving personally upon the occupant (if there be any occupant), and upon the owner, each a copy of such notice, directed to the occupant (if any) and the owner; or

- (a) Nonresident Owner. If the owner be a nonresident of this City, service of the notice shall be given by serving the occupant personally and by mailing a copy to the owner at his last known address as shown by the last assessment roll of this City; or

- (b) Vacant Premises. If there be no occupant, by posting a copy of the notice in a conspicuous place upon the premises, and service a copy upon the owner as hereinbefore provided.

Article 8-8.08 - Failure to Comply: If, at the expiration of ten (10) days from the sending or service of the said notice, the owner or occupant or both have failed or refused to comply with said notice, the Council shall then order the Superintendent of Streets to do the said work at the expense of the owner and occupant of the said property, and the owner and occupant (if any) shall be jointly and severally liable for all expenses or costs incurred by the City in the removal or repair. If the claim of expenses or costs are not paid within thirty (30) days from demand the notice and claim shall be recorded in the office of the County Recorder of Coconino County, Arizona and when recorded in such office shall become a lien upon the property described therein, which lien may be foreclosed by the City in any manner authorized under the laws of the State of Arizona. The City shall be authorized to take other action in addition to or in lieu of the foregoing that may be authorized by the laws of the State of Arizona.

Article 8-8.09 - Driving on Sidewalks

- (a) Driving over Unprotected Sidewalk. No person shall drive any wagon or other vehicle over, along or across any cement or other improved sidewalk or curb, unless planking is laid thereon in such manner as to protect such sidewalk or curb.
- (b) Exception: Paved Driveway. The provisions of this Article shall not apply to the driving of vehicles over sidewalks or curbs at places where cement or asphalt crossings are constructed across such sidewalks and curbs. (Ord. 493)

CHAPTER 8-9 – TREES AND SHRUBBERY

Article 8-9.01 - Trees to be Trimmed: Any owner or occupant of any real property shall trim all trees on property owned or occupied by him, overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel.

Article 8-9.02 - Hedges and Shrubbery: Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a sidewalk in the Municipality.

Article 8-9.03 - Injury to Trees or Shrubbery: It is hereby declared unlawful for any person, not the owner thereof, or without lawful authority to do so, willfully to injure, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant, located either on private ground or on any public place or thoroughfare.

Article 8-9.04 - Trees Outside of Property Line: The Governing Body of the Municipality is hereby granted full and complete control over all trees which are outside the property lines of privately owned real property. (1961 Code)

Article 8-9.05 - Penalty: Violation of this Charter is a Class 3 misdemeanor.

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CHAPTER 8-10 – WATER SYSTEM CROSS-CONNECTION CONTROL PROGRAM

Article 8-10.01 - Definitions The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) "Air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the-supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one (1) inch.
- (b) "Approved" means accepted by the Department as either meeting an applicable specification stated or cited in this Chapter, or suitable for the proposed use.
- (c) "Assembly" means a mechanical device located between two (2) tightly closing resilient-sealed shut-off valves with properly located resilient-sealed test cocks designed to prevent backflow.
- (d) "Auxiliary water supply" means any water supply on or available to the premises other than the public potable water supply, including but not limited to water from another purveyor's public potable water supply, treated effluent, wastewaters or industrial fluids.
- (e) "Backflow" means the reversal of the normal flow of water caused by either backpressure or backsiphonage.
- (f) "Backpressure" means any elevation of pressure in a user's water supply system, above the pressure of the potable water supply system, which could cause water or other liquids, mixtures or substances to flow from a user's water supply system into the distribution system of the potable water supply system.
- (g) "Backsiphonage" means the flow of water or other liquids, mixtures or substances into the distribution pipes of the potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.
- (h) "Backflow preventer" means an approved assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.
- (i) "Certified tester" means a person who has proven his/her competency to the satisfaction of the Department. Each person certified to make competent tests or to repair, overhaul and make reports on backflow prevention assemblies shall be conversant with the applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other qualifications which are equivalent in the opinion of the Department.
- (j) "Contamination" means an impairment in the quality of potable water, by sewage, industrial fluids, waste liquids, compounds or other materials or fluids, to a degree which creates an actual hazard to the public health by poisoning or the spread of disease.

- (k) "Cross-connection" means any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or changeover devices or sliding multi-port tube.
- (l) "Department" means the City of Williams Water Department.
- (m) "Distribution system" means the network of conduits used to deliver potable water from the source facilities to the user's water supply system.
- (n) "Double check valve assembly" means an assembly of two (2) independently operating approved check valves with tightly closed shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a recognized laboratory and approved by the Department for backflow prevention assemblies. To be approved, these devices must be readily accessible or in-line testing and maintenance.
- (o) Hazard, Degree of. "Degree of hazard" means the potential risk to the public health and adverse effects of the hazard upon the public potable water distribution system.
- (p) "Non-potable water" means water which is not safe for human consumption or which is of questionable quality for human consumption.
- (q) "Notice" means a written instrument served by the City, as follows, with time commencing from date of mailing, serving, filing or recording:
 - (1) By the use of ordinary mail to the last known address of the person to whom it is required to be given;
 - (2) By personal service upon the person or his lawful representative; or
 - (3) By filing or recording with a Clerk of the Superior Court or County Recorder.
- (r) "Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality or impair its usefulness to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.
- (s) "Potable water" means any water which is safe for human consumption pursuant to the standards set by the Arizona Department of Environmental Quality.
- (t) "Public potable water supply system" means the source facilities and the distribution system under control of the Department to the point where a user's water supply system commences. A user's water supply system commences at the discharge point of the service connection.
- (u) "Reduced pressure principle assembly" means an assembly of two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and, at the

same time, below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The entire device shall meet the design and performance specifications as determined by a recognized laboratory and approved by the Department for backflow prevention assemblies. To be approved, these devices must be readily accessible for in-line testing and maintenance.

- (v) "Service connection" means the terminal end of a service line from the public potable water system at its point of delivery to the user's water system where the Department loses jurisdiction and sanitary control over the water. If a meter is installed between the user's water supply system and the public potable water system, the service connection shall be the discharge end of the meter. Unprotected takeoffs from the service line will not be permitted upstream of any meter or any backflow prevention device located at the point of delivery to the user's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.
- (w) "User" means the owner, tenant, trustee, mortgagee, receiver or occupier, whether person, corporation, firm or municipality, of property which is connected to the public water system. (Ord. 720 (part), 1993)

Article 8-10.02 - Purpose

- (a) To protect the public potable water supply of the City of Williams from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants into the public potable water supply system; and
- (b) To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public potable water supply system. (Ord. 720 (part), 1993)

Article 8-10.03 - Backflow Prevention Required

- (a) Backflow prevention shall be required at every service connection to a user's water system when the Department determines the potable water supplied by the public potable water system may be subject to contamination, pollution or other deterioration of quality by conditions within the user's water system.
- (b) Backflow prevention required by the Department shall be sufficient to protect against the potential degree of hazard to the public potable water supply from the user's water system. (Ord. 720 (part), 1993)

Article 8-10.04 - Hazard Potential The potential degree of hazard to the public supply system shall be determined using the following hazard factors:

- (a) Health. Any actual or potential condition, device or practice which, in the judgment of the Department, may create a threat of contamination to a potable water supply or may create a danger to the health and well-being of the potable water consumers.

- (b) Plumbing. An actual or potential plumbing cross-connection in a user's water supply system that has not been protected by an approved backflow preventer. A plumbing hazard may be either a pollution or contamination hazard.
- (c) Non-health. Any actual or potential condition, device or practice which in the judgment of the Department may create a threat of pollution to a potable water supply system. The maximum degree of intensity of pollution to which a potable water supply system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the distribution system or its appurtenances.
- (d) System. Any actual or potential condition, device or practice which in the judgment of the Department may create a threat of severe damage to the physical properties of a potable water supply system or that would have a protracted effect on the quality of the potable water in the system. (Ord. 720 (part), 1993)

Article 8-10.05 - Backflow Preventers Required

- (a) When any of the following items or activities are present or conducted on premises served by the potable water system, a potential hazard to the public potable water system shall be presumed and a backflow preventer, of the type specified for that item or activity herein, must be in place at each service connection for that premise.
 - (1) Aircraft and missile plants: RP;
 - (2) Animal clinics and animal grooming shops: RP;
 - (3) Automotive repair with steam cleaner, acid cleaning equipment or solvent facilities: RP;
 - (4) Auxiliary water systems (interconnected): RP;
 - (5) Auxiliary water systems (non-interconnected): DC;
 - (6) Beverage bottling plants: DC;
 - (7) Breweries: DC;
 - (8) Buildings greater than three (3) stories or greater than thirty-four (34) feet in height from curb level: DC;
 - (9) Buildings with house pumps and/or potable water storage tank: DC;
 - (10) Buildings with sewage ejectors (inadequate on-site protection): RP;
 - (11) Buildings with sewage ejectors (adequate on-site protection): DC;
 - (12) Canneries, packing houses and reduction plants: RP;
 - (13) Car wash facilities: RP;
 - (14) Centralized heating and air conditioning plants: RP;
 - (15) Chemical plants: RP;
 - (16) Chemically treated potable or non-potable water systems: RP;

- (17) Civil works (government owned or operated facilities not open for inspection by the Department): RP;
- (18) Commercial laundries: RP;
- (19) Dairies and cold storage plants: DC;
- (20) Dye works: RP;
- (21) Film processing laboratories, facilities or equipment: RP;
- (22) Food processing: DC;
- (23) High schools and colleges: DC;
- (24) Holding tank disposal stations: RP;
- (25) Hospitals and mortuaries: RP;
- (26) Medical and dental buildings, sanitariums, rest and convalescent homes engaged in the diagnosis, care or treatment of human illness: DC;
- (27) Irrigation system:
 - (A) Premises having non-potable piping one (1) inch and larger: RP,
 - (B) Premises having a separate system: RP;
- (28) Laboratories using contaminated materials: RP;
- (29) Manufacturing, processing and fabricating plants using toxic or nontoxic materials: RP;
- (30) Mobile home parks served by master meter: DC;
- (31) Motion picture studios: RP;
- (32) Oil and gas production facilities: RP;
- (33) Plating plants: RP;
- (34) Power plants: RP;
- (35) Radioactive materials processing facilities: RP;
- (36) Restricted, classified or other closed facilities: RP;
- (37) Rubber plants: RP;
- (38) Sand and gravel plants: RP;
- (39) Sewage and storm drainage facilities: RP;
- (40) Shopping centers: DC;
- (41) Any premises where a cross-connection is maintained: RP;
- (42) Water, trucks, hydraulic sewer cleaning equipment: RP and AG;
- (43) Any premises where water supplied by the City is subject to deterioration in sanitary quality and its entry into the public water system: RP;

- (44) Fire protection systems will be required to have the following type of protection:
- (A) Direct connection from public water system (non-contaminating): DC,
 - (B) Direct connection from public water system (contaminating): RP,
 - (C) with pump and/or storage tank: RP,
 - (D) With auxiliary supply: DC and RP.
- (b) When two (2) or more of the items or activities listed above are present or concluded on the same premises and served by the same service connection, the most restrictive backflow preventer required for any of the items or activities present or conducted on the premises shall be required to be utilized or installed at the service connection. The order of most restrictive to least restrictive backflow preventers shall be as follows:
- (1) Air gap (AG) (most restrictive);
 - (2) Reduced pressure principle assembly (RP);
 - (3) Double check valve assembly (DC);
 - (4) Pressure vacuum breaker assembly (least restrictive). (PVB)
- (c) If the Department determines, after inspection of the user's system, that a backflow preventer less restrictive than that required in this Section will provide adequate protection of the public potable water system, the Department may, in its sole discretion, modify the requirements of this Section accordingly.
- (d) Each backflow prevention assembly required hereunder shall be approved by the Department prior to installation, and shall be installed by and at the expense of the user.
- (e) The Department may approve backflow assemblies when such devices have received approval from the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, American Water Works Association (A.W.W.A.).
- (f) Assemblies shall be specified and located on the constructions plans for all new buildings, additions with new services, and changes of use of existing buildings. Approval shall be obtained prior to issuance of the building permit. (Ord. 720 (part), 1993)

Article 8-10.06 - Backflow Assembly Installation Requirements; Location

- (a) The premises of all users shall be evaluated by the Department to determine if a backflow prevention device is required under the provisions of this Chapter. If it is determined by the Department that the premises requires a backflow prevention device, the construction and installation of said device shall be in accordance with specifications and requirements promulgated by the Department.
- (b) Assemblies shall be installed at the service connection or near the property line but in all cases, before the first branch line leading off of the service line, and in an accessible location approved by the Department. Backflow prevention assemblies shall be installed by the user, at the user's expense and in compliance with the standards and specifications adopted by the Department, at the service connection.

- (c) Backflow prevention assemblies shall have at least the same cross-sectional area as the water service and/or meter. In those instances where a continuous water supply is necessary, two (2) sets of backflow prevention assemblies shall be installed in parallel if the water supply cannot be temporarily interrupted for the testing of assemblies.
- (d) No bypass shall be installed around backflow preventive assemblies.
- (e) Double check valve assemblies shall be installed belowground in a vault. Double check valve assemblies installed in vaults shall have sufficient clearance provided to permit testing in place or removal for maintenance, as prescribed in the standard details. Copies available upon request from Department.
- (f) A reduced pressure principle backflow preventive assembly shall be installed aboveground as close to the water meter as possible. The assembly must be protected from freezing. Assemblies installed shall be accessible for testing as not to endanger the tester. Under no conditions, except as provided for herein, will backflow prevention assemblies be installed less than twelve (12) inches or more than twenty-four (24) inches above grade level.
- (g) All pressure type backflow prevention assemblies which are designed for periodic field testing shall be equipped with gate valves on both the upstream and the downstream side of the assembly. In addition, test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected and, in addition, a test cock shall be located upstream of the upstream gate valve, as close as possible to the upstream gate valve. (Ord. 720 (part), 1993)

Article 8-10.07 - Inspections; Maintenance; Records

- (a) An inspection shall be conducted to determine whether any cross-connections or other hazard potentials exist and to determine compliance with this Article. The user's water system shall be available at all times during normal business hours for inspection by authorized personnel of the Department.
- (b) The user shall maintain accurate records of tests and repairs made to backflow prevention devices and provide the Department with copies of such records. The records shall be on forms approved by the Department and shall include the list of materials or replacement parts used.
- (c) Testing, maintenance and repairs to such devices shall be made at the customer's expense by a certified backflow prevention device tester that is approved by the Department or any other agency designated by the Department to prescribe test methods or to certify or approve persons to conduct such tests. It shall be the duty of the user to see that these tests are made at the time of the initial installation and at least once a year, on the anniversary date of the initial inspection.
- (d) The user shall notify the Department fifteen (15) days in advance when the annual tests are to be done, so that an official representative of the Department may witness the tests if so desired.

- (e) Following the installation of any assembly, the user shall have it inspected by the Department, before the certificate of occupancy is issued.
- (f) Following the installation of any assembly, the user shall have it inspected by the Department, before the certificate of occupancy is issued.
- (g) If the Department or user learns or discovers, during the period between tests, that an assembly is defective or in unsatisfactory operating condition, the user shall perform any necessary repairs, including replacement of the assembly, if necessary, which will return the assembly to satisfactory operating condition.
- (h) Following the repair, repiping, overhaul or relocation of an assembly, the user shall have it inspected by the Department and tested by a certified tester, within ten (10) days of the completion of the rework.
- (i) The user's system must be open for inspection at all reasonable times, and in all emergencies to authorized representatives of the Department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Department may deny or immediately discontinue service to the premises by providing a physical break in the service line until the user has corrected the condition in conformance with this Chapter. (Ord. 720 (part), 1993)

Article 8-10.08 - Discontinuance of Water Service; Notice Service of water to any premises may be discontinued by the Department if a backflow preventive assembly required by this Chapter is not installed, tested and maintained; if it has been found that a backflow preventive assembly has been removed or bypassed; or if a cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. (Ord. 720 (part), 1993)

Article 8-10.09 - Retroactive Application

- (a) The provisions of this Section shall apply to all new water users and all water users existing prior to the enactment date of this Chapter.
- (b) If the Department determines that a user's backflow preventive assembly does not meet current adopted City of Williams standards, the user shall retrofit his assembly so that it will meet current standards.
- (c) Whenever it is determined by an authorized City representative that a water service poses an actual or potential threat to the physical properties of the water system of potability of the public water supply, a device complying with this Chapter shall be installed. The cost for the installation, testing and maintenance shall be borne by the user. (Ord. 720 (part), 1993)

Article 8-10.10 - Plan Review

- (a) All backflow preventers which will be installed shall be shown and specified on all required building and engineering plans. City approval of the intended installation is required prior to issuance of any building or encroachment permit.

- (b) Installation permits for the installation of all backflow preventers required by the City shall be obtained from the City prior to installation. A separate permit shall be obtained for each required backflow preventer to be installed, including replacement.
- (c) Backflow preventers must be installed as to meet the standards and specifications of the Department and be tested by a certified tester and shown to be operating correctly before a certificate of occupancy is issued by the City.
- (d) The Department may, in writing, suspend or revoke a permit issued under the provisions of this Article, whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provision of the Uniform Plumbing Code or this Article. (Ord. 720 (part), 1993)

Article 8-10.11 - Disclaimer of Liability This program shall not create any liability or duty on the part of the City of Williams, any officer or employee. (Ord. 720 (part), 1993)

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CHAPTER 8-11 – PARTICIPATION FEES FOR NORTHSIDE
SEWER IMPROVEMENT DISTRICT NLJMHER II

Article 8-11.01 - Policy There is hereby established a policy and orderly program for the extension of services and facilities of the Northside Sewer Improvement District Number II sewer system to serve and provide for newly developed areas and subdivisions within the City which are located outside of the geographical boundaries of the Northside Sewer Improvement District Number II. (Ord. 734 §1, 1994)

Article 8-11.02 - Definitions For the purpose of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them by this Section, except where the context clearly indicates a different meaning:

- (a) "Northside Sewer Improvement District Number II" means that sewer improvement district created by the City pursuant to Resolution #932, adopted on the 16th day of December, 1993.
- (b) "Cost of project" means the total amount of all assessments imposed on the property located within the geographical boundaries of Northside Sewer Improvement District Number II attributed to the installation of sewer improvements.
- (e) "Participating charge" means the proportionate share of the cost of project based on benefits derived in accordance with standards determined by the City Engineer as calculated by the participating charge formula set forth in Article 8-11.04 of this Chapter. (Ord. 734 §2, 1994)

Article 8-11.03 - Application for Tap-In Any property owner located outside of Northside Sewer Improvement District Number II desiring to tap into the Northside Sewer Improvement District Number II sewer line must submit an application to the City containing the following information:

- (a) A warranty of workmanship and material for tap-in sewer lines and facilities installed which shall run to the benefit of the City for a period of at least one year from the date of acceptance by the City;
- (b) A diagram of all property which may be served by any tap-in sewer line to be installed;
- (c) A statement that the City acquires ownership of any tap-in sewer line and appurtenances upon completion and acceptance of the work by the City;
- (d) A statement that the City's cost for inspecting such work shall be paid by the developer or owner;
- (e) Provide easements for the tap-in sewer line, assignable to the City, in a form acceptable to the City Attorney;
- (f) A statement setting forth the intended uses of the property utilizing the tap-in sewer line;

- (g) Cash or check made payable in an amount to be determined by the City Engineer for the applicant's participating charge in the Northside Sewer Improvement District Number II. (Ord. 734 §3, 1994)

Article 8-11.04 Participating Charge for Tap-In

- (a) Any property owner who installs a tap-in sewer line into the Northside Sewer Improvement District Number II sewer line shall be subject to a participation charge based upon the following formula:

$$\frac{\text{Cost of Project}}{\text{Gallon Per Day Capacity of Line}} = \frac{\text{Cost Per Gallon}}{\text{Per Day}} \times \text{Estimated Gallon Per Day Usage Of Tap-In Applicant}$$

- 1/25 for each year after January 1, 1995.

- (b) The City Engineer will compute the participation charge for each applicant in accordance with the formula set forth in subsection (a) above. The City Engineer shall use industry standards or Arizona Department of Water Quality standards to estimate the gallons per day usage of the applicant. (Ord. 734 §4, 1994)

Article 8-11.05 - Payment of Participation Charge

- (a) Prior to the issuance of a building permit by the City for a tap-in sewer line, the tap-in applicant must deposit with the City the participation charge as determined by the City Engineer.
- (b) The City will establish a separate account for participation charges assessed pursuant to this Chapter. Sums collected shall be treated as trust funds to be paid to the land owners of the parcels of land upon which the Northside Sewer Improvement District Number II assessments have been imposed, or upon their successors or assigns. The participation charge shall be distributed to the owners of each parcel, pro rata, based upon the amount of each parcel's assessment relative to the Northside Sewer Improvement District Number II cost of project. Unless otherwise agreed to in writing between a seller and purchaser of land within the Northside Sewer Improvement District Number II boundaries, the right to collect a participation charge distribution shall be deemed to be a right which runs with the land and payable to the owner of the land at the time the distribution is made. (Ord. 734 §5, 1994)

Article 8-11.06 - Prohibition Against Adjacent Line Tap-Ins No person shall be permitted to extend service from his tap-in to the Northside Sewer Improvement District Number II to adjacent property owned by someone else or to property for which a participation charge has not been advanced and deposited with the City. Prior to a building permit being issued, adjacent property owners shall be subject to the participation charge set forth in Article 8-11.04 and all other terms and conditions of this Chapter. (Ord. 734 §6, 1994)

CHAPTER 8-12 – FLOODPLAIN MANAGEMENT

Article 8-12.01 - Statutory Authorization, Findings of Fact, Purpose and Methods

In A.R.S. § 48-3610. the Arizona State Legislature enabled the City of Williams to adopt regulations in conformance with A.R.S. § 48-3603 designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council, of the City of Williams, Arizona, does ordain as follows:

(a) Findings of Fact

- (1) The flood hazard areas of the City of Williams are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses may be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage. also contribute to the flood loss.

(b) Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize blight areas caused by flooding;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard;
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions,
- (9) Maintain eligibility for disaster relief.

(c) Methods of Reducing Flood Losses

These regulations take precedence over any less restrictive conflicting local laws; ordinances and codes.

In order to accomplish its purposes, this ordinance includes methods and provisions to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction:
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters:
- (4) Control filling, grading, dredging, and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which Will unnaturally divert floodwaters or which flay increase flood hazards in other areas. (Ord. 863 §1, 2006; Ord. 858, 2006)

Article 8-12.02 - Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone. See "Special flood hazard area".

Accessory structure, low-cost and small. A structure that is:

- (1) Solely fir the parking of no more than 2 cars; or limited storage (small, low cost sheds); and
- (2) Any structure under 120 square feet.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding. A designated AO or All Lone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of 'flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated as Zone A, AE, AO, AH, and A 1-30 on the FIRM and other areas determined by the criteria adopted by the Director of the Arizona Department of Water Resources. See "Special flood hazard area")

Base flood. A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood")

Base flood elevation (BFE). The elevation shown on the Flood Insurance Rate Map for Zones AL, All, A 1-30, VE and N 1 - V30 that indicates the water surface elevation resulting from it flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement. Any area of the building having its floor sub-grade - i.e., below ground level - on all sides.

Building. See "Structure."

Community. Any state, area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, tilling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Encroachment. The advance or infringement of uses, plant growth, till, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Erosion. The process of the gradual wearing away of landmasses. This peril is not, per se, covered under the Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of floodwaters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

Flood Boundary and Floodway Map (FBFM). The official map on which the Federal Emergency Management Agency Floodplain Management Ordinance (FEMA) or Federal Insurance Administration (FIA) has delineated both the areas of special flood hazards and the floodway.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency (FEMA) or

Federal Insurance Administration (FIA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that includes flood profiles, Flood Insurance Rate Maps, Flood Boundary and Floodway Maps and the water surface elevation of the base flood.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Floodplain Administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Board. The Board of Directors of the Flood Control District of Coconino County, or the City Council of The City of Williams, at such times as they are engaged in the enforcement of this ordinance. (Floodplain Board as defined in A.R.S. §48-3601 for counties.)

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations. The ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood - Related Erosion. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Floodway. The area of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Governing body. The local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

Hardship. As related to Section 6.0 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior or
 - (B) Directly by the Secretary of the Interior in states without approved programs.

Lowest floor. The lowest floor of the lowest enclosed area, including the basement. See "Basement." An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. **Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. Defined in the substantial damage and substantial improvement procedures.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Obstruction. Including, but not limited to, any dam, wall, wharf; embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire; fence rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and or velocity of the flow of water, or due to its location- its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred-year flood or 100-year flood. The flood having a one percent chance of being equaled or exceeded in an given year. See "Base flood."

Person. An individual or the individual's agent, a firm, partnership, association or corporation, or an agent of the aforementioned groups, or this state or its agencies or political subdivisions.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation (RFE). An elevation one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be determined by the criteria developed by the Director of the Arizona Department of Water Resources for all other watercourses.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, Brook, etc.

Sheet flow area. See "Area of shallow flooding."

Special flood hazard area (SFHA). An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Boundary and Floodway Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, or, All.

Start of construction. Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions: or
- (2) Any alteration of it "historic structure;" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 863 §1, 2006; Ord. 858, 2006)

Article 8-12.03 - General Provisions

This ordinance shall apply to all areas of special flood hazards within the corporate limits of the City of Williams.

(a) Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Coconino County dated September 29, 2006, with accompanying Flood Insurance Rate Maps (FIRMs) dated September 29, 2006, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at Williams City Hall, 113 S. 1st St Williams, AZ 86046 in the office of the Building Inspector.

(b) Compliance

All development of land, construction of residential, commercial or industrial structures, or future development within delineated floodplain areas is subject to the terms of this ordinance and other applicable regulations.

(c) Abrogation And Greater Restrictions

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap whichever imposes the more stringent restrictions shall prevail.

(d) Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;

- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(e) Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulator purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City Council, any officer or employee thereof the State of Arizona or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(f) Statutory Exceptions

In accordance with A.R.S. § 48-3609(H), unless expressly provided, this and any regulation adopted pursuant to this article do not affect:

- (1) Existing legal uses of property or the right to continuation of such legal use. However, if a nonconforming use of land or a building or structure is discontinued for twelve months, or destroyed to the extent of 50 percent of its value as determined by a competent appraiser, any further use shall comply with this article and regulations of the City Council.
- (2) Reasonable repair or alteration of property for the purposes for which the property was legally used on August 3, 1984, or any regulations affecting such property takes effect, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by 50 percent or more shall be either floodproofed or elevated to or above the regulatory flood elevation:
- (3) Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-361 3; and
- (4) Facilities constructed or installed pursuant to a Certificate of Environmental Compatibility issued pursuant to A.R.S. Title 40, Chapter 2, Article 6.2.

Before any authorized construction begins for the exceptions listed below, the responsible person must submit plans for the construction to the Floodplain Board for review and comment. In accordance with A.R.S. § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:

- (5) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;
- (6) The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the

structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Chapter 6:

- (7) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations that will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Floodplain Board pursuant to regulations adopted by the Floodplain Board under this article;
- (8) Other construction upon determination by the Floodplain Board that written authorization is unnecessary;
- (9) Any flood control district, county, city, town or other political subdivision from exercising powers granted to it under A.R.S. Title 48, Chapter 21, Article I;
- (10) The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision: and
- (11) The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to this Article. If a person is found to be in violation of this Section, the court shall require the violator to either comply with this Section if authorized by the Floodplain Board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

(g) Unlawful Acts

- (1) It is unlawful for a person to engage in any development or to divert, retard or obstruct the flow of waters in a watercourse if it creates a hazard to life or property without securing the written authorization required by A.K.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of Waters without securing written authorization required by A.R.S. § 48-3613.
- (2) Any person found guilty of violating any provision of this ordinance shall be guilty of a misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(h) Declaration of Public Nuisance Statute

All development located or maintained within any area of special flood hazard after August 8, 1973, in violation of this ordinance. Is a public nuisance per se and may be abated. Prevented or restrained by action of this political subdivision.

(i) Abatement of Violations

Within 30 days of discovery of a violation of this ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

- (1) Take any necessary action to effect the abatement of such violation; or
- (2) Issue it variance to this ordinance in accordance with the provisions of Section 6.0 herein: or
- (3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order and the Floodplain Administrator shall submit an amended report to the Floodplain Board within 20 days. At the next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 6.0 herein; or
- (4) Submit to the Federal Emergency Management Agency a declaration for denial of insurance, stating that the property is in violation of it cited state or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

(j) Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any Section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid. (Ord. 863 §1, 2006; Ord. 858, 2006)

Article 8-12.04 - Administration

(a) Designation of the Floodplain Administrator

The Building Inspector is hereby appointed to administer, implement and enforce this ordinance by granting or denying development permits in accordance with its provisions.

(b) Duties and Responsibilities of the Floodplain Administrator

Duties of the Floodplain Administrator shall include, but not be limited to:

(1) Permit Review

Review all development permits to determine that:

- (A) The permit requirements of this ordinance have been satisfied;

- (B) All other required state and federal permits have been obtained;
 - (C) The site is reasonable safe from flooding;
 - (D) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.
- (2) Substantial Improvement and Substantial Damage Procedures
- (A) Develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
 - (B) Assure procedures are coordinated with other departments and divisions and implemented by community staff.
- (3) Use of Other Base Flood Data
- When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 5.0. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources and shall be submitted to the Floodplain Board for adoption.
- (4) Obtain and Maintain for Public Inspection
- (A) The certified regulatory flood elevation required in Section 5. I.C. 1;
 - (B) The floodproofing certification required in Section 5.1.0.2;
 - (C) The flood vent certification required in Section 5.1C.3a.
 - (D) The elevation certification required for additional development standards, including subdivisions, in Section 5.4.A.2.
 - (E) The floodway encroachment certification required in Section 5.7.A
 - (F) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
 - (G) Obtain and maintain improvement calculations.
- (5) Notification of Other Entities
- (A) Whenever a watercourse is to be altered or relocated:
 - (i) Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency through appropriate notification means: and
 - (ii) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse be maintained.

- (B) Base flood elevation and rate of flow due to physical alterations:
 - (i) Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
 - (ii) Within one hundred twenty (120) days after completion of construction of any flood control protective works which changes the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of the Arizona Department of Water Resources.
- (C) Corporate Boundary Changes:
 - (i) Notify the Federal Emergency Management Agency and the Arizona Department of Water Resources of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction,

(6) Map Determinations

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.0.

(7) Remedial Actions

Take actions on violations of this ordinance as required in Section 3.10 herein.

(8) Biennial Report

Complete and submit a Biennial Report to the Federal Emergency Management Agency.

(c) Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, till, storage of materials, drainage

facilities and the location of the foregoing. Specifically, the following information is required:

- (1) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
- (2) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.1.C.2:
- (4) Base flood elevation data for subdivision proposals or other development greater than 50 lots or 5 acres; and
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 863 §1, 2006; Ord. 858, 2006)

Article 8-12.05 - Provisions for Flood Hazard Reduction

(a) Standards of Construction

In all areas of special flood hazards the following standards are required:

- (1) Anchoring
 - (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - (B) All manufactured homes shall meet the anchoring standards of Section 5.5.13.
- (2) Construction Materials and Methods
 - (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - (B) 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
 - (C) 3. All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and or located so as to prevent water front entering or accumulating within the components during conditions of flooding; and
 - (D) 4. Within Zones AH or AO, adequate drainage paths shall be constructed around structures on slopes to guide floodwaters around and away- from proposed structures.
- (3) Elevation and Floodproofing
 - (A) Residential construction
Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

- (i) In an AO Zone, elevated to or above the regulatory flood elevation, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
- (ii) In an A Zone where a BFE has not been determined, elevated to or above the regulatory flood elevation or he elevated in accordance with the criteria developed by the Director of the Arizona Department of Water Resources.
- (iii) In Zones AF, AH and AI-30, elevated to or above the regulatory flood elevation.

Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the community's building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) Nonresidential construction

Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 5.1.C.1 or together with attendant utility and sanitary facilities:

- (i) Be floodproofed below the elevation recommended under Section 5.1.C.1 so that the structure is watertight with walls substantially impermeable to the passage of water:
- (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and
- (iii) Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

(C) Flood openings

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

- (i) Have a minimum of two openings, on different sides of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater: or
- (ii) If it is not feasible or desirable to meet the openings criteria stated above, a registered engineer or architect may, design and certify the openings.

(D) Manufactured homes

- (i) Manufactured homes shall also meet the standards in Section 5.5.

(E) Garages and low cost accessory structures

- (i) Attached garages.

- a) A garage attached to a residential structure; constructed with the garage floor slab below the regulatory flood elevation, must be designed to allow for the automatic entry of flood waters. See Section 5.1.C.3. Areas of the garage below the regulatory flood elevation must be constructed with flood resistant materials. See Section 5.1.B.
 - b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed.
- (ii) Detached garages and accessory structures.
- a) "Accessory structure" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 2.0, may be constructed such that its floor is below the regulatory flood elevation, provided the structure is designed and constructed in accordance with the following requirements:
 - 1) Use of the accessory structure must be limited to parking or limited storage;
 - 2) The portions of the accessory structure located below the regulatory flood elevation must be built using flood-resistant materials;
 - 3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement.
 - 4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the regulatory flood elevation:
 - 5) The accessory structure must comply with floodplain encroachment provisions in Section 5.7; and
 - 6) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 5.1.C.3.
 - b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.1.

(b) Standards for Storage of Materials and Equipment

- (1) The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.
- (2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning

(c) Standards for Utilities

- (1) All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

- (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (3) Waste disposal systems shall not be installed wholly or partially in a regulatory floodway.

(d) Additional Development Standards, Including Subdivisions

- (1) All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - (A) Identify the area of the special flood hazard area and the elevation of the base flood
 - (B) Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- (2) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- (3) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (4) All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

(e) Standards for Manufactured Homes

All manufactured homes that are placed on site or substantially improved shall:

- (1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and
- (2) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(f) Standards for Recreational Vehicles

All recreational vehicles placed on site shall:

- (1) Be on site for fewer than 180 consecutive days. or
- (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

- (3) Meet the permit requirements of Section 4.0 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.5.

(g) Floodways

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 5.7 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 5.0. (Ord. 863 §1, 2006; Ord. 858, 2006)

Article 8-12.06 - Variance Procedures

(a) Nature of Variances

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. File characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(b) Appeal Board

- (1) The Floodplain Board of the City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

- (3) In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (A) The danger that materials may be swept onto other lands to the injury of others;
 - (B) The danger of life and property due to flooding or erosion damage;
 - (C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (D) The importance of the services provided by the proposed facility to the community;
 - (E) The necessity to the facility of a waterfront location, where applicable;
 - (F) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - (G) The compatibility of the proposed use with existing and anticipated development;
 - (H) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (I) The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (J) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - (K) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.
- (4) Upon consideration of the factors of Section 6.2(c) and the purposes of this ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
- (5) Any applicant to whom a variance is granted shall be given written notice over the signature Of a community official that:
 - (A) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$ 100 of insurance coverage, and
 - (B) Such construction below the base flood level increases risks to life and property; and
 - (C) The land upon which the variance is granted shall be ineligible for exchange of state land pursuant to the flood relocation and land exchange program provided by A.R.S. Title 26, Chapter 2, Article 2. A copy of the notice shall be recorded in the office of the Coconino County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (6) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance and report such variances issued in its biennial report submitted to Federal Emergency Management Agency.

(c) Conditions for Variances

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided the procedures of Sections 4.0 and 5.0 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances shall not be issued within any designated flood say if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon a:
 - (A) Showing of good and sufficient cause;
 - (B) Determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (C) Showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 2.0 of this ordinance in the definition of "Functionally Dependent Use"; and.
 - (D) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense. create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances. (Ord. 863 §1, 2006; Ord. 858, 2006)