

CHAPTER 25 - WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-92. Wastewater; repayments; sewer lines.

(a) Sewer main extensions shall be those mains subject to repayment and defined as any one or more of the following:

(1) Mains extended beyond the limits of the project, constructed through the project, or constructed along the frontage or boundary of the development;

(2) Mains which serve other property owners other than the owner who is developing the property; or

(3) Mains which are constructed to contain additional capacity to provide adequate flow above and beyond that required by the development based on the volume of flow and type of waste generated by the development.

(b) This Section shall apply where a wastewater line is extended by one property owner and connected to at a later date by one or more additional property owners. A property owner who extends a sewer line which provides a means of service to property owned by others may enter into an agreement with the City providing for repayment of a portion of the costs when the property abutting the sewer line extensions develops. The project shall be bid in accordance with the provisions pertaining to public works projects contained in Title 34 of the Arizona Revised Statutes. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(c) The City reserves the right to increase the diameter of the approach sewer mains above that needed to serve the individual property/development if it deems advisable, but under the condition that the City will assume the additional cost to increase the diameter of the sewer line above that which the property owner would incur for the approach sewer line required to serve the development.

(d) The final detailed plans and specifications for the sewer line extension must be approved by the City Engineer prior to construction. The engineering costs for the preparation of plans, specifications, and staking of the approach sewer line incurred by the property owner may be included in the agreed construction costs as provided for in this Section. The costs of distribution mains within the boundary of the project shall not be eligible for repayment.

(e) Agreements must be executed prior to construction of the wastewater main and shall run for a period not to exceed ten years from the date of execution by the City Engineer, who is authorized to execute the agreements in accordance with the provisions of this Code. The agreements shall automatically terminate at the end of a ten-year

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period or upon repayment of the total amount possible being repaid, whichever is earlier. The City will not approve and/or execute an agreement after construction or acceptance by the City of the wastewater main. There will be no repayments for buy-in assessments collected prior to receipt of the developer's request to enter into an agreement.

(f) Repayment will assist in establishing a reasonable charge to permit a connection. The connection charge will be made on a cost per frontage foot, using the agreed wastewater main construction costs (and the extent to which new development is adjacent to the wastewater main), less the repayment transaction fee established by the City Council to cover administrative costs associated with the repayment agreement.

(g) The City Engineer will determine the amount of footage to be reimbursed, and such determination will be made a part of the agreement. Such agreements must be recorded in the office of the Maricopa County Recorder.

(h) The City will make repayments within 60 days of receipt of payment from adjacent property owners. The developer to whom the reimbursement is to be made must be stated on the agreement at the time of execution and it will be the duty of the developer (the individual to whom reimbursement is to be made) to keep the City Engineer advised as to the correct mailing address, etc. for reimbursement. Repayment agreements under this Chapter may be assigned to subsequent property owners of property who purchase or acquire the entire interest of the original property owner who entered into the repayment agreement and in accordance with the specific terms of the repayment agreement.

(i) The City retains and reserves the right (and ability) to enter into separate special agreements to cover unique situations where a standard repayment agreement is not applicable.

(j) Where existing wastewater system lines within a development or along streets bounding the development are smaller in size than that required by this Code, or are otherwise inadequate, the property owner may be required to replace or parallel such lines with those of the required size.

State Law Reference. A.R.S. '48-571; '48-701.

(Ord. No. 92-03, 2/11/92, Enacted)

(Ord. No. 02-41, 6/7/02, Amended) SUPP 2002-2

(Ord. No. 08-35, 12/02/08, Repealed Sec. 25-92. Sewer extensions prior to a municipal improvement district or community facilities district., Enacted Sec. 25-92. Wastewater; repayments; sewer lines.) SUPP 2008-4