

Service drop refers to that line which extends from the service utility's existing utility system and connects to the individual customer who is the ultimate user of that service.

- C. Permit for above Ground Installation. After the effective date of this ordinance, no developer shall erect any new utility system, nor relocate an existing utility system, within Town limits above the surface of the ground, whether along streets or over individual lots or parcels of the development, unless a special permit described herein is first granted by the Town. The undergrounding requirements herein shall apply regardless of the existence or availability of easements for overhead lines. The developer shall be required to comply with any underground policy of the utility, and undergrounding shall be completed and approved prior to any occupancy of the project. If poles are removed which include streetlights, the streetlights will be replaced by the developer at its cost with freestanding poles and luminaries approved by the Town. In the event the utility company adds new poles or lines as a system upgrade or power line extension, it shall be considered the developer, and pay any undergrounding costs. In cases where utility lines are required to be placed underground due to a combination of needs generated by (re) development, utility system upgrade, and governmental improvement projects, there shall be an equitable sharing of the cost of that undergrounding effort between the Town or governmental agency, utility, and developer.
- D. Exemptions. This ordinance shall not apply to transmission or feeder lines having a voltage rating greater than 12,500 volts; switchyards and substations utilized in a new utility system; pad-mounted transformers, cabinets, pull boxes, and similar on-the-ground equipment; temporary service equipment for emergency services, special events, or construction sites; service drops from existing overhead lines, unless underground service is required under municipal or state subdivision statutes or codes; or normal maintenance and repairs of existing utility systems.
- E. Special Permits. A special permit to waive the underground requirements of this ordinance may be issued by the Town. Granting of a special permit is rare and shall not undermine the purpose of the ordinance. Cost disparity in itself shall not constitute grounds for issuance of a special permit. A request for the special permit shall be filed with the Community Development Director for approval. If the permit is denied, the applicant may file a request for review with the Planning & Zoning Commission for their recommendation. The final decision on an appeal shall be with the Town Council.
- F. Permits. Developers shall be required to submit a written application to obtain a construction permit for undergrounding of facilities as part of the permit process. The content of the permit shall be established from time-to-time by the Community Development Director and/or Director of Public Works/Town Engineer, but shall include as a minimum:
- Plot plans to scale showing the proposed location of the underground facilities, cross-sections of the below grade areas, and other information necessary to properly identify and record the work
 - Roadway cut permits from the Town or ADOT, and a traffic control plan, if needed
 - Performance bonds and insurance

Article 7-9

STORM WATER PROTECTION (2005-A310)

Section 7-9-1 Purpose

This Article sets forth the requirements for the control of pollutants that are or may be discharged to the public storm drain system. The purpose of this Article is to enable the Town to comply with all applicable State and Federal Laws related to Storm Water Management, including but not limited to, the Clean Water Act (33 United States Code 1251 ET Seq.) The National pollutant discharge elimination system regulations (40 code of Federal regulations part 122), and the Town's Arizona pollutant discharge elimination system (AZPDES) permit (Arizona Administrative Code R18-19-A902).

Section 7-9-2 Definitions

For the purposes of this Article, the following words and terms shall be defined as follows.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) means the State Agency charged with enforcement of Environmental Laws and Regulations.

ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM (AZPDES) STORM WATER PERMIT means a permit issued by ADEQ which authorizes the discharge of storm water pursuant to Arizona Administrative Code R18-9-A902, which incorporates 40 Code of Federal Regulations §122.32.

BEST MANAGEMENT PRACTICES (BMP'S) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMP's also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from outdoor storage areas.

CLEAN WATER ACT MEANS THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, 22 UNITED STATES CODE 1251 ET SEQ.

ENGINEER means the Town Engineer.

DISCHARGE means any spilling, leaking, pumping, pouring, emitting, emptying, injecting, placing, releasing, leaching, dumping, or disposing into or on any land in a manner that may cause pollution.

ENVIRONMENTAL PROTECTION AGENCY (EPA) means that the Federal Agency charged with enforcement of Environmental Laws and Regulations.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER PERMIT means a permit issued by EPA which authorizes the discharge of storm water pursuant to the Clean Water Act § 402 (33 U.S.C. § 1342).

NOTICE OF INTENT (NOI) means a form submitted to ADEQ notifying of person's intent to be covered under a separate AZPDES Storm Water Permit, as required by Federal and State Law.

PERSON means any individual, partnership, co-partnership, firm, company, corporation, Limited Liability Company, association, Joint Stock Company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

POLLUTANT shall have the same meaning as defined in 40 C.F.R. § 122.2, and includes but is not limited to any solid, liquid, gas, or other substance that can alter the physical or chemical properties of water including but not limited to fertilizers, solvents, sludge, petroleum and petroleum products, solid waste, garbage, biological materials, radioactive materials, sand, dirt, animal waste, acids, and bases..

PREMISES mean any building, lot, parcel, real estate, land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PUBLIC STORM DRAIN SYSTEM means all or any part of the publicly-owned and maintained roads, streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, and dry wells located with public easements, right-of-way, parks, common areas, retention areas, or other publicly-owned or maintained real property designed or used for collecting, holding, or conveying storm water.

STORM WATER means storm water runoff, surface runoff, and drainage.

Section 7-9-3 Applicability

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 7-9-4 Responsibility For Administration and Enforcement

The Town Engineer is delegated the authority to exercise the powers and perform the duties set forth in this Article and to administer and enforce provisions of this Article. The Engineer may designate other employees to exercise such powers and perform such duties, as he deems appropriate.

Section 7-9-5 Severability

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

Section 7-9-6 Discharge Prohibitions And Exemptions

- A. Unless expressly authorized or exempted by this Article, no person shall cause or allow the discharge to a public right-of-way or public storm drain system of any substance that is not composed entirely of storm water.
- B. Unless expressly authorized or exempted by this Article, no person shall use, store, spill, dump, or dispose of materials in a manner that those materials could cause or contribute to the addition of pollutants to storm water.
- C. Exemptions. The following discharges are exempt from the prohibitions set forth in subsections (A) and (B) of this section:
 1. Discharges authorized by a separate NPDES or AZPDES permit.
 2. The following categories of non-storm water discharges are permissible unless otherwise prohibited under subsections C)(3), (C)(4) OR (C)(5):

- A. Water line flushing,
- B. Landscaping irrigation,
- C. Diverted stream flows,
- D. Rising groundwater,
- E. Uncontaminated groundwater infiltration as defined in 40 C.F.R. § 35.2005(20),

- F. Uncontaminated pumped groundwater,
 - G. Discharges from potable water sources,
 - H. Foundation drains,
 - I. Air conditioning condensation,
 - J. Irrigation water,
 - K. Springs,
 - L. Water from crawl space pumps,
 - M. Footing drains,
 - N. Lawn watering,
 - O. Individual residential car washing,
 - P. Flows from riparian habitats and wetlands,
 - Q. De-chlorinated swimming pool discharges,
 - R. Discharges from emergency firefighting activity,
 - S. Dust control watering; or
 - T. Any other activity that the Engineer identifies is not a significant contributor of pollutants during the Town's AZPDES Storm Water permit term. (40 C.F.R. § 122.34(B)(3)(III)).
3. No person shall discharge to the public storm drain system any exempted discharge under this subsection if the Engineer or assigned designee identifies and provides written notice to the person that the discharge has the potential to be a source of pollutants to receiving waters, waterways, or groundwater.
 4. No person shall discharge to the public storm drain system that would result in or contribute to a violation of the AZPDES storm water permit issued to the Town. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge.
 5. No person shall establish, use, maintain, or continue any connection to the public storm drain system, which has caused or is likely to cause a violation of this section.

Section 7-9-7 Operating Facilities Or Activities

- A. All persons owning or operating premises or engaged in activities who are required by Federal or State Law to submit to EPA and/or ADEQ a notice of intent (NOI) to comply with an NPDES or AZPDES Storm Water permit shall provide a copy of such notice to the Engineer upon request. Facilities required to apply for a Storm Water permit are identified in 40 C.F.R. 122.26(B)(14).
- B. All persons engaged in activities which will or may reasonably be expected to result in pollutants entering the public storm drain system shall undertake best management practices (BMP's) to minimize such pollutants, shall provide protection from accidental discharge of pollutants to the public storm drain system and comply with the cleanup and notification requirements of this Article. Such measures shall include the requirements imposed by Federal, State, County, or Local Authorities. BMP's are site-specific and are described in the document "Storm Water

Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices” (EPA 832-R-92-006) or other guidance documents available from EPA and/or ADEQ.

- C. If a best management practice is required by the Engineer to prevent a pollutant from entering the public storm drain system, the person receiving the notice of such a requirement may petition the Engineer to reconsider the application of the BMP to the premises or activity. The written petition must be received within ten (10) working days setting forth any reasons and proposed alternatives. The Engineer will act within thirty (30) days of the petition.

Section 7-9-8 Construction Sites

- A. All persons engaged in construction activities that are required by Federal or State law to submit to EPA and/or ADEQ a notice of intent to comply with an NPDES or AZPDES Storm Water permit shall provide the Town with copies of the NOI and the NPDES Storm Water permit issued by ADEQ. Construction activities that will disturb one acre or more of land area or smaller land areas if they are part of a larger common plan of development or sale are required to apply for a Storm Water permit. (40 C.F.R. 122.26(B)(15).
- B. Any person performing construction shall not cause or contribute to a violation of the AZPDES Storm Water permit issued to the Town. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge. Any person performing construction shall undertake Best Management Practices to minimize pollutants (including sediments) from leaving the construction site, shall provide protection from accidental discharge of pollutants to the public storm drain system, and comply with the cleanup and notification requirements of this Article. Site operator shall ensure erosion and sediment control and control waste and properly dispose of wastes, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. Such measures shall include the requirements imposed by Federal, State, County, or Local Authorities. BMP's are site-specific and are described in the document “Storm Water Management for Construction Activities: Developing pollution Prevention Plans and Best Management Practices” (EPA 832-R-92-005) or other guidance documents available from EPA and /or ADEQ.
- C. If a Best Management Practice is required by the Engineer to prevent a pollutant from entering the public storm drain system, the person receiving the notice of such a requirement may petition the Engineer to reconsider the application of the BMP to the premises or activity. The written petition must be received within ten (10) working days setting forth any reasons and proposed alternative. The Engineer will act within thirty (30) days of receipt of the petition.

Section 7-9-9 Post-Construction

Property owners or operators shall ensure long-term operation and maintenance of post-construction storm water runoff control mechanisms, such as retention basins, dry wells and other measures described in 40 C.F.R. § 122.34(B)(5)(III).

Section 7-9-10 Cleanup And Notification Requirements

- A. As soon as any owner or operator has actual or constructive knowledge of any discharge which may result in pollutants entering the public storm drain system, such person shall promptly take all necessary steps to ensure the discovery of the source and the extent and proceed with containment and cleanup of such discharge.

- B. The owner or operator shall notify the Engineer of the discharge in both of the following manners:
1. By telephone as soon as practical or by calling 9-1-1 if hazardous materials are involved; and
 2. By written report identifying the discharge source, extent, pollutant, measures taken to mitigate the discharge, and preventative measures put in place to prevent a subsequent discharge.

Section 7-9-11 Inspections

- A. **AUTHORITY TO INSPECT.** Upon presentation of credentials and at all reasonable or necessary hours, all authorized employees of the Town shall have access to all premises and to all records pertaining to those premises for purposes of ensuring compliance with this Article. Inspection, interviewing, copying, sampling, photographing, and other activities conducted on the premises shall be limited to those which are reasonably needed by the Town in determining compliance with the requirements of this Article. All persons shall allow such activities under safe and non-hazardous conditions with a minimum of delay.
- B. **MONITORING ACTIVITIES.** The Engineer may order any person engaged in any activity or owning or operating a business or enterprise on any premises which may cause or contribute to discharges of pollutants to the public storm drain system in violation of this Article or any applicable NPDES or AZPDES Storm Water permit condition to undertake such monitoring activities and analyses and furnish such reports as the Engineer reasonably may specify. The costs of such activities analyses and reports shall be borne by the recipient of the order.
- C. **ACCESS REFUSAL.** If an authorized employee of the Town has been refused access to any premises, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect, interview, copy, photograph or sample as part of an inspection and sampling procedure of the Town designed to determine compliance with the requirements of this Article or any related laws or regulations, or to protect the environment and the public health, safety and welfare of the community, then the Engineer may seek issuance of a search warrant from the Town Municipal Court.

Section 7-9-12 Enforcement and Penalties (2006-A332)

- A. **CHARGES.** Charges levied pursuant to this Article shall be collected by the Public Works Department. The Public Works Director/Engineer shall manage the Town's Storm Drain System.
- B. **OWNER OF RECORD.** The owner of record of the property upon which a violation of this Article occurs shall be presumed to be a person having lawful control over the activity or premises unless it is demonstrated that another person has knowingly and in good faith accepted responsibility for the activity at issue. If more than one person is identified as the owner, such persons shall be presumed to be jointly and severally in lawful possession and control the activity or premises.
- C. **NOTICE OF VIOLATION.** The Engineer may issue a written notice of violation to any person who has violated or is in violation of this Article. Failure to comply with any act required in the notice of violation shall be a separate violation for each day beyond the thirtieth (30) day following the notice of violation. Nothing in this section shall limit the authority of the Engineer to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. In appropriate situations the Engineer may notify the person orally either in person or by telephone prior to, and in some cases in lieu of, written notification.
- D. **CONSENT ORDERS.** The Engineer may enter into consent orders, assurances of voluntary compliance, negotiated settlement agreements or other similar documents establishing an

agreement with any person responsible for noncompliance. Such documents will include specific action to be taken by the person to correct the noncompliance within a time period specified by the document, including an identification and description of the Best Management Practices and measures to utilize in implementing the order. Such documents shall have the same force and effect as any other orders issued under this Article and shall be judicially enforceable.

- E. **CEASE AND DESIST ORDERS.** When the Engineer finds that a person has violated, or continues to violate, any provision of this Article or any related laws or regulations, or that the person's past violations are likely to recur, the Engineer may issue an order to the person directing them to cease and desist all such violations and direct the person to immediately comply with all requirements; and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation. Issuance of a cease and desist order shall not be a bar against, or prerequisite for, taking any other action against the person. A person's failure to comply with an order of Engineer issued pursuant to this Article shall constitute a violation of this Article.
- F. **CIVIL PENALTIES.** In addition to any other enforcement authority contained in this Article, the Engineer may issue a civil citation to any person who has violated, or continued to violate, any provision of this Article or any related laws or regulations. A person who violates any requirement of this Article or any applicable NPDES or AZPDES Storm Water permit condition shall be civilly liable to the Town for a sum not to exceed \$27,500 per day for each violation.
- G. **CRIMINAL PENALTIES.** A person who willfully or negligently violates any provision of this Article, or any related laws or regulations shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$27,500 per day for each violation and/or by imprisonment for a period not to exceed six months.
- H. **CRIMINAL PROSECUTION.** Some intentional violations may constitute criminal violations of Federal, State, and Town Law, and that under such circumstances, the Engineer may seek the assistance of the EPA, the Attorney General, the County Attorney, or the Town prosecutor to commence civil and/or criminal action against any person who violates any requirement of this Article or any applicable NPDES or AZPDES Storm Water Permit condition.
- I. **REVOKING OR WITHHOLDING OF PERMIT.** In addition to or in lieu of all other available penalties, the Town may revoke or withhold any permit, approval or license to construct improvements to real property or operate a business in the Town related to the violation if the holder of such permit, approval, or license is in violation of any requirement of his Article or any applicable NPDES or AZPDES Storm Water Permit condition.
- J. **LIABILITY FOR COSTS.** The Engineer may assess liability for costs to any person in violation of this Article for all actual costs incurred by the Town in surveillance, sampling and testing, abatement, and remediation associated with a discharge. Additionally, the Engineer may assess liability for costs to any person whose discharge resulted in a violation of the Towns AZPDES Storm Water Permit.

Article 7-10

MUNICIPAL DEVELOPMENT FEES (2006-A337-Referred to a vote 3-22-2007)

Section 7-10-1 Definitions

The words or phrases used herein shall have the meaning attributed or prescribed to them in the Camp Verde Town Code, except as may otherwise be indicated herein:

"Applicant" means any person who files an application with the Town for a building permit.