

TOWN OF MIAMI

ORDINANCE NO. 368

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF MIAMI, ARIZONA, AMENDING THE CODE OF MIAMI, ARIZONA, TITLE 13 PUBLIC SERVICES, CHAPTER 13.04 SEWER SYSTEM USE REGULATIONS BY AMENDING SECTION 13.04.010 DEFINITIONS TO ADD NEW DEFINITIONS, AND BY ADDING NEW SECTION 13.04.150 SEWER LATERALS AND SEWER BACKWATER VALVES TO ESTABLISH REQUIREMENTS FOR PROPERTY OWNERS TO INSPECT, MAINTAIN, REPAIR AND/OR REPLACE SEWER LATERALS AND SEWER BACKWATER VALVES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES.

BE IT ORDAINED by the Mayor and Common Council of the Town of Miami, Arizona, as follows:

**Section I.**      **In General.**

The Code of Miami, Arizona, Title 13 Public Services, Chapter 13.04 is hereby amended by amending Section 13.04.010 Definitions to add new definitions to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

**13.04.010**                      **DEFINITIONS**

For the purpose of this chapter the following words shall be defined as follows:

"**APPLICANT**" SHALL MEAN ANY INDIVIDUAL, FIRM, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, ASSOCIATION, PARTNERSHIP, GOVERNMENT AGENCY, INDUSTRY, PUBLIC OR PRIVATE CORPORATION, OR ANY OTHER PERSON OR ENTITY WHATSOEVER WHO APPLIES TO THE CITY FOR PERMITS FOR BUILDING IMPROVEMENTS. AN APPLICANT SHALL BE THE PROPERTY OWNER OR AN AUTHORIZED AGENT OF THE PROPERTY OWNER.

\* \* \*

"**DIRECTOR**" SHALL MEAN THE DIRECTOR OF PUBLIC WORKS OF THE TOWN, OR DESIGNEES.

\* \* \*

"**FATS, OILS AND GREASE**" OR "**FOG**" MEANS ANY FATS, OILS, WAXES OR OTHER SIMILAR OR RELATED CONSTITUENTS. FOG MAY BE OF VEGETABLE OR ANIMAL ORIGIN, INCLUDING BUTTER, LARD, MARGARINE, VEGETABLE FATS AND OILS, AND FATS IN MEATS, CEREALS, SEEDS, NUTS AND CERTAIN FRUITS. FOG MAY ALSO BE OF MINERAL ORIGIN INCLUDING KEROSENE, LUBRICATING OIL OR ROAD OIL. FOG IN THE CITY'S SEWER SYSTEM IS GENERALLY PRESENT AS, BUT NEED NOT BE, A FLOATABLE SOLID, A LIQUID, A COLLOID, AN EMULSION OR IN A SOLUTION.

\* \* \*

**"INFILTRATION"** SHALL MEAN THE SEEPAGE OF GROUNDWATER INTO A SEWER SYSTEM, INCLUDING SEWER LATERALS. SEEPAGE FREQUENTLY OCCURS THROUGH DEFECTIVE OR CRACKED PIPES, PIPE JOINTS, CONNECTIONS, OR MANHOLE WALLS.

**"INFLOW"** SHALL MEAN WATER DISCHARGED INTO A SEWER SYSTEM, INCLUDING SEWER LATERALS, FROM SUCH SOURCES AS, BUT NO LIMITED TO, ROOF LEADERS, CELLARS, YARD AND AREA DRAINS, FOUNDATION DRAINS, COOLING WATER DISCHARGES, DRAINS FROM SPRINGS AND SWAMPY AREAS, AROUND MANHOLE COVERS OR THROUGH HOLES IN THE COVERS, CROSS CONNECTIONS FROM STORM SYSTEMS, CATCH BASINS, SURFACE RUNOFF, STREET WASH WATERS OR DRAINAGE.

\* \* \*

**"NOTICE TO REPAIR"** SHALL MEAN NOTICE ISSUED BY THE DIRECTOR TO A PROPERTY OWNER THAT THE SEWER LATERAL IS IN VIOLATION OF THIS CHAPTER, WHICH ORDER DIRECTS THE ABATEMENT OF THE VIOLATION.

\* \* \*

**"PROPERTY OWNER"** SHALL MEAN THE OWNER OF THE PROPERTY AS SHOWN IN THE RECORDS OF THE GILA COUNTY ASSESSOR-RECORDER.

**"PUBLIC STREET"** SHALL MEAN ANY PUBLIC HIGHWAY, STREET, ALLEY, PUBLIC EASEMENT OR RIGHT-OF-WAY.

\* \* \*

**"SANITARY SEWER OVERFLOW" OR "SSO"** MEANS ANY OVERFLOW, SPILL, RELEASE, DISCHARGE OR DIVERSION OF UNTREATED OR PARTIALLY TREATED WASTEWATER FROM A SANITARY SEWER SYSTEM. SSOS OFTEN CONTAIN HIGH LEVELS OF SUSPENDED SOLIDS, PATHOGENIC ORGANISMS, TOXIC POLLUTANTS, NUTRIENTS, OIL, AND GREASE.

\* \* \*

**"SEWER BACKUP"** MEANS A BLOCKAGE OF SEWER FLOW IN A SEWER LATERAL WHICH RESULTS IN DAMAGE TO PRIVATE PROPERTY.

**"SEWER BACKWATER VALVE"** SHALL MEAN A DEVICE INSTALLED IN THE HORIZONTAL POSITION IN THE SEWER LATERAL BELOW GROUND, WHICH INCLUDES A ONE-WAY FLAP VALVE WHICH ALLOWS THE SEWAGE TO FLOW OUT TO THE SEWER MAIN IN NORMAL USE, BUT PREVENTS SEWAGE FROM BACKING UP INTO THE PROPERTY IF THE SEWER MAIN SHOULD BECOME BLOCKED.

**"SEWER LATERAL"** SHALL MEAN THE SEWER LINE BEGINNING AT THE FOUNDATION WALL OF ANY BUILDING AND TERMINATING AT THE SEWER MAIN AND SHALL INCLUDE THE UPPER LATERAL AND LOWER LATERAL TOGETHER.

"SEWER MAIN" SHALL MEAN A PUBLIC SEWER DESIGNED TO ACCOMMODATE MORE THAN ONE SEWER LATERAL.

\* \* \*

The Code of Miami, Arizona, Title 13 Public Services, Chapter 13.04 is hereby amended by amending section 13.04.070 Inspection Officer and adding Section 13.04.150 Sewer Laterals and Sewer Backwater Valves to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

**13.04.070**                      **INSPECTION OFFICER**

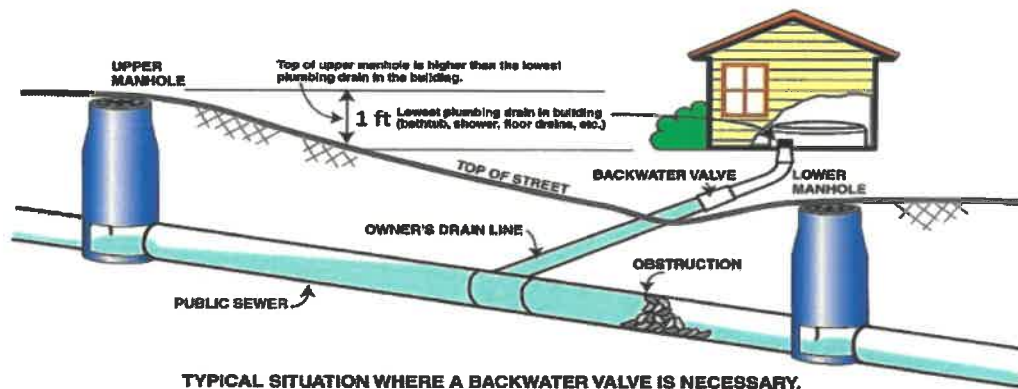
- A.     The ~~Town Clerk, Chief of Police, or Street and Sanitation Superintendent~~ are PUBLIC WORKS DIRECTOR IS designated as the Inspection Officer for the Town. He and his deputies are empowered to perform any and all acts necessary for the effective administration and enforcement of this chapter, including but not restricted to the power of inspecting any dwelling unit to determine the number of fixtures, supervision and control of making building connections and otherwise, inspecting property to determine whether or not violations of this chapter exist.
  
- B.     ANY ACT OR OMISSION PROHIBITED IN THIS CHAPTER OR ENJOINED A SEPARATE AND DISTINCT VIOLATION OF THIS CHAPTER CONSTITUTING A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS (\$300.00), OR CONFINEMENT IN THE TOWN JAIL FOR NOT MORE THAN SIX MONTHS OR BOTH, AND IS A NEW VIOLATION FOR EACH DAY THAT THE ACT PROHIBITED OR THE OMISSION ENJOINED CONTINUES.
  
- C.     The Inspection Officer as hereinbefore designated shall inspect all connection lines from the user to the point where connection is made, and shall ascertain that the minimum specifications on file with the Clerk of the Town have been met. He will then endorse the connection permit, giving the date of inspection. No permit holder shall make final connection to the sewer system until endorsement has been obtained upon the connection permit.

**13.04.150**                      **SEWER LATERALS AND SEWER BACKWATER VALVES**

- A.     THE PURPOSE OF THIS SECTION IS TO ESTABLISH REQUIREMENTS FOR PROPERTY OWNERS TO INSPECT, MAINTAIN, REPAIR AND/OR REPLACE, SEWER LATERALS AND SEWER BACKWATER VALVES, AS REQUIRED, ON EACH PROPERTY IN THE TOWN THAT IS CONNECTED TO THE TOWN'S SEWER SYSTEM. A SEWER LATERAL THAT IS PROPERLY MAINTAINED WILL REDUCE THE RISK OF SANITARY SEWER OVERFLOWS AND SEWER BACKUPS BY MINIMIZING INFLOW AND INFILTRATION INTO THE SEWER SYSTEM AND MINIMIZING BLOCKAGES DUE TO PIPE FAILURES OR ROOT INTRUSION. A SEWER BACKWATER VALVE WILL PROTECT PROPERTIES THAT SIT IN A LOW ELEVATION WITH RESPECT TO THE SEWER MAIN FROM BACKFLOW AND ASSOCIATED HEALTH HAZARDS AND PROPERTY DAMAGE. SANITARY SEWER OVERFLOWS (SSOS) POLLUTE SURFACE AND GROUNDWATER, THREATEN PUBLIC HEALTH, ADVERSELY AFFECT AQUATIC LIFE, AND IMPAIR THE RECREATIONAL USE AND AESTHETIC ENJOYMENT OF SURFACE WATERS. TYPICAL CONSEQUENCES OF SSOS INCLUDE THE CLOSURE OF BEACHES AND OTHER

RECREATIONAL AREAS, INUNDATED PROPERTIES, AND POLLUTED RIVERS AND STREAMS. SSOS CAN RESULT IN PENALTIES AND FINES TO THE TOWN FROM GOVERNMENTAL AGENCIES AND NONGOVERNMENTAL ORGANIZATIONS. DUE TO THE RISK OF SANITARY SEWER OVERFLOWS AND SEWER BACKUPS, THE TOWN COUNCIL FINDS THAT A PROGRAM TO KEEP SEWER LATERALS IN GOOD REPAIR TO INSTALL SEWER RELIEF VALVES AND SEWER BACKWATER VALVES WHERE REQUIRED IS IN THE BEST INTERESTS OF THE HEALTH AND WELFARE OF THE CITIZENS OF THE TOWN OF MIAMI.

- B. INSPECTION. WITH REASONABLE CAUSE AUTHORIZED EMPLOYEES OF THE TOWN, PROPERLY IDENTIFIED, AND WITH PERMISSION OF THE OCCUPANT, SHALL HAVE FREE ACCESS AT PROPER HOURS OF THE DAY, FOR PURPOSES OF INSPECTION, TO ALL PARTS OF THE PREMISES OR BUILDINGS TO WHICH SEWER SERVICE IS SUPPLIED BY THE TOWN. IN THE EVENT THE OWNER OR OCCUPANT OF ANY PREMISES REFUSES TO PERMIT THE INSPECTION, THE TOWN MAY, WITH PROPER JUSTIFICATION, DISCONTINUE UTILITY SERVICE AND/OR MAY APPLY TO THE MUNICIPAL COURT OF THE TOWN FOR A COURT ORDER DIRECTING THE OWNER OR OCCUPANT TO PERMIT THE INSPECTION.
- C. BACKFLOW DEVICE REQUIRED.
  - 1. WHERE A SEWER LATERAL SERVES PLUMBING FIXTURES THAT ARE LOCATED LESS THAN ONE (1) FOOT ABOVE THE RIM ELEVATION OF THE UPSTREAM MANHOLE OR ROD HOLE IN THE REACH OF MAIN SEWER INTO WHICH THE SIDE SEWER CONNECTS, IT SHALL BE PROTECTED FROM BACKFLOW OF SEWAGE BY INSTALLING A BACKFLOW PREVENTION DEVICE OF AN APPROVED TYPE AND IN THE MANNER PRESCRIBED BY THE TOWN. ANY SUCH BACKFLOW DEVICE SHALL BE INSTALLED BY THE PROPERTY OWNER FOR SEWER SERVICE AT THE SOLE COST AND EXPENSE OF THE PROPERTY OWNER. THE MAINTENANCE OF THE BACKFLOW DEVICE SHALL BE THE SOLE OBLIGATION OF THE PROPERTY OWNER. THE TOWN SHALL BE UNDER NO OBLIGATION TO ASCERTAIN THAT THE BACKFLOW DEVICE CONTINUES IN OPERATING CONDITION.



- D. REQUIREMENTS FOR SEWER LATERAL INSPECTION, REPAIR AND/OR REPLACEMENT UPON SANITARY SEWER OVERFLOWS AND/OR SEWER BACKUPS.
1. RESPONSIBILITY FOR INSPECTION. THE TOWN MAY PERFORM INSPECTION OF SEWER LATERALS UPON SANITARY SEWER OVERFLOWS AND/OR SEWER BACKUPS.
  2. RESPONSIBILITY FOR REPAIR AND/OR REPLACEMENT OF SEWER LATERAL. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF THE LATERAL IN THE CASE WHERE A NOTICE TO REPAIR HAS BEEN ISSUED FOLLOWING A SANITARY SEWER OVERFLOW AND/OR SEWER BACKUP. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR CORRECTING ALL SOURCES OF INFLOW TO THE SEWER LATERAL.
  3. NOTICE TO REPAIR TIME LIMITS. A NOTICE TO REPAIR WILL BE ISSUED BY THE DIRECTOR WHEN CONDITIONS ARE OBSERVED IN CONJUNCTION WITH SEWER OVERFLOW AND/OR A SEWER BACKUP WHICH REQUIRE REPAIR AND/OR REPLACEMENT OF THE SEWER LATERAL. TIME LIMITS FOR REPAIR AND/OR REPLACEMENT OF THE SEWER LATERAL SHALL BE 45 CALENDAR DAYS.
  4. REPAIR PERFORMED BY TOWN AND RECOVERY OF COSTS. IF THE SEWER LATERAL REPAIR/REPLACEMENT AND/OR ROOT REMOVAL ARE NOT COMPLETE WITHIN THE REQUIRED TIME LIMITS, INCLUDING ANY EXTENSIONS GRANTED, THE TOWN SHALL COMPLETE THE REQUIRED REPAIR/REPLACEMENT AND/OR ROOT REMOVAL COSTS THEREOF PLUS 10% SHALL BE ASSESSED TO SAID RESIDENT'S SEWER ACCOUNT.
- E. FAILURE TO REPAIR, REPLACE AND MAINTAIN AN ACTIVE SEWRE LATERAL PUBLIC NUISANCE. THE FAILURE OF A PROPERTY OWNER TO REPAIR AND/OR REPLACE A SEWER LATERAL WITHIN THE TIME LIMITS STATED IN SECTION 13.04.150 D.3 OR MAINTAIN AN ACTIVE SEWER LATERAL AT ALL TIMES:
1. SHALL BE DEEMED A PUBLIC NUISANCE AND HEALTH HAZARD.
  2. SHALL RELIEVE THE TOWN, ITS OFFICERS, EMPLOYEES AND AGENTS FROM ANY LIABILITY, DAMAGES, OR CLAIMS RESULTING FROM A SEWER BACKUP, REGARDLESS OF WHETHER THE SEWER BACKUP OCCURS FROM A BLOCKAGE OF A SEWER MAIN OR A SEWER LATERAL.

**Section II. Providing for Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

**Section III. Providing for 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 IV. Providing for Penalties.**

Except as provided in Section 13.04.070 B any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

**PASSED AND ADOPTED** by the Common Council of the Town of Miami, Arizona, this 24 day of February, 2020, by the following vote:

AYES: 5  
NAYES: 1 ABSENT: 0  
EXCUSED: 1 ABSTAINED: 0

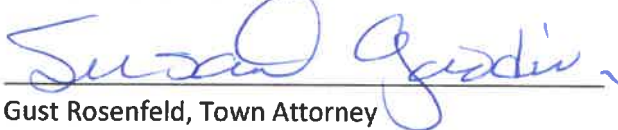
APPROVED this 24 day of February, 2020.

  
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Darryl Dalley, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Karen M. Norris, Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Gust Rosenfeld, Town Attorney  
By Susan D. Goodwin

I, KAREN M. NORRIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 368 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF MIAMI, ARIZONA, ON THE 24 DAY OF February, 2020, WAS POSTED IN THREE PLACES AND ON THE TOWN WEBSITE ON THE 28 DAY OF February, 2020.

  
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Karen M. Norris, Town Clerk