

## **TITLE V: PUBLIC WORKS**

Chapter

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## CHAPTER 50: SOLID WASTE

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## GARBAGE AND REFUSE COLLECTION

### ' 50.01 TOWN AS COLLECTION AGENCY.

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(A) The town, or other collectors authorized by the town, shall have the exclusive right to collect all garbage and refuse within the town, except as provided in this chapter or otherwise authorized in writing by the Council.

(B) Except as otherwise provided in this chapter, no person in possession of any building, structure, residence, place of business or apartment unit within the town shall avoid or refuse to accept garbage or refuse disposal service provided by the town, and any avoidance shall not exempt the premises from the payment of charges for those services.

(1991 Code, ' 10-1-1)

**' 50.02 SERVICE CHARGES.**

(A) The Council shall establish a monthly charge for garbage and refuse collection and disposal services, by resolution, as is necessary to produce adequate revenue to cover the cost of services rendered.

(B) Charges to newly constructed structures shall commence upon final inspection and approval of the structure by the Town Building Inspector.

(C) The monthly charge shall be paid in advance of service and shall be paid by the owner, tenant, lessee, occupant or person in possession of any occupied or utilized premises.

(D) Charges shall be delinquent upon the close of business 45 days after the date on which they were due. The town may enforce the collection of any unpaid and delinquent accounts by civil action or by discontinuance of service.

(E) All monies collected by the town under the provisions of this subchapter shall be deposited to the General Fund of the town.  
(1991 Code, ' 10-1-2)

**' 50.03 DISPOSAL OF GARBAGE.**

(A) It is unlawful for any owner, tenant, lessee, occupant or person in possession of any building, structure or premises within the town to fail to provide for the disposal of his or her garbage or refuse.

(B) It is unlawful for any owner, tenant, lessee, occupant or person in possession of any building, structure or premises within the town to dispose of his or her garbage and refuse at other than a landfill approved by the town for that purpose.

(C) The term **GARBAGE** as used herein shall be deemed to comprise all wastes and abandoned material commonly designated by that term, including food cans and receptacles of like character and ashes, but it shall not include slop waters, dish waters and rinsings and like liquids which later shall be disposed of through the sewer, or any dead animal or human or animal excrement.  
(1991 Code, ' 10-1-3) Penalty, see ' 10.99

**' 50.04 CONTAINERS .**

(A) Each inhabited or utilized structure in the town shall permanently provide one or more substantial garbage cans of sufficient size to contain all garbage of the structure. The cans shall be so constructed as to contain without leakage all garbage placed therein and shall be covered with closely fitting covers of the same material which shall remain in place at all times except when being emptied

or when garbage is actually being placed therein. The cans shall be kept in some convenient place where the garbage collector may find the same and remove the garbage therefrom. The size of all cans shall not be in excess of 30 gallons and the maximum weight of each container when full shall not exceed 50 pounds. All cans shall be kept on private property and shall not be left upon the public streets and alleys, except for a reasonable time on the day of pickup.

(B) The duty of providing garbage cans and covers and to see that the same are kept in the place and condition required is imposed on each owner, lessee, tenant or person in possession of a structure receiving service. Should any can being used fail to meet the requirements provided herein and be deemed unfit for use as a garbage can in the opinion of the garbage collector of the town, the garbage collector shall place on the can a tag notifying the user thereof that the can is unfit for further use and that the can will be picked up and carried away on the next garbage collection day.

(C) No person shall use or remove garbage from any cans or uncover or remove the same, without permission or license of the owner or other person in charge or control thereof, except a person actually engaged in the work of transporting the garbage.

(D) No person shall place or cause to be placed in any garbage can any dead animal or any human or animal excrement.  
(1991 Code, ' 10-1-4) Penalty, see ' 10.99

**' 50.05 DISPOSAL OF REFUSE.**

(A) The town has an automated collection system which uses special containers required for this system. There is a charge set by Council from time to time per 90-gallon container per month charge for residential collection.

(B) Garbage collection schedule: Downtown Thatcher is picked up on Mondays and Thursdays; Daley Estates and Quail Ridge are picked up on Tuesdays and Fridays (schedules may vary for holidays).

(C) The following guidelines and rules governing trash shall apply for all town residents and are instituted to help keep the community safer and cleaner.

(1) Garbage.

(a) All containers shall be kept on private property and shall not be left upon public streets, except for a reasonable time on the day of pickup.

(b) The garbage truck requires eight feet of free space on each side of the container for the operation of the arms. The customer shall not to block trash containers with vehicles, power poles and the like as this will prevent the emptying of the container. The customer shall make sure the arrows are facing forward and the lid is closed completely.

(c) The customer shall not place concrete, rocks, furniture, lumber, large appliances or pieces of steel or hazardous waste in these containers as they could damage the compaction mechanism.

(d) The customer shall not place hot ashes in these containers as it may ruin the container and the customer may be responsible for its replacement.

(2) Trash.

(a) All grass, plants and leaves should be placed in plastic garbage bags. Small amounts of grass/leaves may be placed in the 90-gallon or 300-gallon containers; however these should not be more than half-filled with yard trash. Bags should be placed on the street with the containers.

(b) For large piles or items such as limbs, dirt, appliances, furniture and the like, customers should call the town hall at 428-2290 for a truck to be scheduled for them to load themselves. If the load must be taken to the landfill, landfill charges will be passed onto the citizen (minimum amount set by Council from time to time). If the load is burnable, there will not be a charge. Burnable materials are vegetative materials (except oleanders) and untreated wood. Grass in plastic bags is not burnable. Mixed loads will be taken to the landfill; the town will not separate loads. Trucks will be scheduled on a first come first serve basis and cannot be left for an extended period of time. Trucks will be delivered and dumped as time allows.

(c) Burn permits are available from ADEQ by calling 888-271-9302. ADEQ burn permit applications are available at the town hall.

(d) The town will not pick up building materials left by contractors; this includes lumber, shingles, plaster or drywall, concrete, stone, aggregate, blacktop, bricks, block, carpet and other solid materials. These should be hauled by the contractor to the landfill.

(e) The town will not pick up batteries, tires or appliances that contain or contained refrigerant or other items considered hazardous waste. Disposal of these items are the responsibility of the resident or business. These items cannot be placed in the 90- or 300-gallon containers or trash trucks.

(f) Trash not complying with these guidelines will not be collected.  
(1991 Code, ' 10-1-5) Penalty, see ' 10.99

## REMOVAL OF LITTER

### ' 50.20 DEFINITIONS .

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

**LITTER.** Any rubbish, trash, weeds, filth or debris which constitute a hazard to public health and safety and shall include all putrescible and nonputrescible solid wastes, including garbage, trash, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste; any deposit, accumulation, pile or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever.

**PRIVATE PREMISES.** Any dwelling, house, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to the dwelling, house, building or other structure.

**PUBLIC PLACE.** Any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.  
(1991 Code, ' 10-2-1)

**' 50.21 PLACEMENT OF LITTER.**

(A) No person shall throw or deposit litter on any public place or occupied or unoccupied private premises within the town, whether owned by the person or not, except that the owner or person in control of private property may maintain authorized containers for collection in a manner that litter will be prevented from being carried or deposited by the elements upon any public or private property.

(B) It is unlawful for any person, firm or corporation to place any litter upon any private premises or public place not owned or under the control of the person, firm or corporation and, in addition to any fine which may be imposed for a violation of any provision of this section, he or she shall be liable for all costs which may be assessed pursuant to this subchapter for the removal of the litter.  
(1991 Code, ' 10-2-2) Penalty, see ' 10.99

**' 50.22 OWNER TO MAINTAIN PREMISES.**

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of refuse or garbage in suitable containers as provided in this chapter.  
(1991 Code, ' 10-2-3)

**' 50.23 VIOLATION FOR NON-COMPLIANCE.**

The town shall site a violation to the customer for non-compliance of cleanup.

**' 50.24 NOTICE TO REMOVE.**

To compel the removal of litter through the provisions of this subchapter, if a person owning or controlling any property fails, neglects or refuses to remove or properly dispose of litter, located on property owned or controlled by the person, he or she shall be given written notice by any duly authorized official of the town to remove all litter from the property prior to the date set on the notice for compliance, which notice shall be given not less than 30 days before the date set for compliance. The notice shall contain an estimate of the cost of removal by the town, a statement that, unless the person owning or controlling the property complies therewith prior to the date of compliance, the town will, at the expense of the person owning or controlling the property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that the person may appeal in writing to the Council prior to the date of compliance on the notice.

(1991 Code, ' 10-2-4)

**' 50.25 SERVICE OF NOTICE.**

Notice shall be personally served on the owner or person controlling the property, by a duly authorized official of the town in the manner provided in Rule 4(d) of the State Rules of Civil Procedure, or mailed to the owner or person controlling the property at his or her last known address by certified or registered mail, or the address to which the tax bill for the property was last mailed. If the owner does not reside on the property, a duplicate notice shall also be sent to him or her by certified or registered mail at his or her last known address.

(1991 Code, ' 10-2-5)

**' 50.26 APPEAL TO COUNCIL.**

Prior to the date set for compliance on the notice, the owner or person controlling the property may appeal in writing to the Council from the demand as contained in the notice. The Council may, at its next regular meeting after receiving the appeal, hear and determine the same and the decision of the Council shall be final. The Council may either affirm or reverse the decision of the duly authorized official or modify the scope of the work as required in the notice. No action shall be taken by the town until the Council has heard and determined all matters contained in the notice of appeal.

(1991 Code, ' 10-2-6)

**' 50.27 REMOVAL BY TOWN.**

When any person to whom notice has been given, prior to the date of compliance on the notice, or within any further time as may have been granted by the Council on appeal, fails, neglects or refuses to move from the property any or all litter, the duly authorized official is authorized and directed to cause the litter to be removed and disposed of at the expense of the owner or person controlling the property. Upon completion of the work, the duly authorized official shall prepare a verified statement of account of the actual cost of the removal or abatement, the date the work was completed, and the street address



and the legal description of the property on which the work was done, including 5% for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of the verified statement upon the person owning or controlling the property in the manner prescribed in ' 50.24. The owner or person controlling the property shall have 30 days from the date of service upon him or her to appeal in writing to the Council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the Clerk within this 30-day period, then the amount of the assessment as determined by the duly authorized official shall become final and binding. If an appeal is taken, the Council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the Council shall be final and binding on all persons.

(1991 Code, ' 10-2-7)

#### **' 50.28 LIEN FOR REMOVAL.**

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the County Recorder and, from the date of its recording, shall be a lien on the private premises until paid. These liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The town shall have the right to bring an action to enforce the lien in the Superior Court at any time after the recording of the assessment, but failure to enforce the lien by that action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment for those purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

(1991 Code, ' 10-2-8)



## CHAPTER 51: WASTEWATER

### Section

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**GENERAL PROVISIONS****' 51.01 DEFINITIONS .**

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

**B.O.D.** (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.

**HAZARDOUS WASTE.** Those items as defined in 40 C.F.R. pt. 261.

**NORMAL WASTEWATER.** Wastewater that contains not more than 300 mg/l B.O.D., or 300 mg/l suspended solids, is within a pH range of 6.5 to 8.0 or does not contain excessive amounts of other materials as may reasonably be determined by the town.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

**REPLACEMENT.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which the works were designed and constructed.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

**SEWAGE.** Wastes from toilets, baths, sinks, lavatories, laundries and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft and other places of human habitation, employment or recreation. **SEWAGE** does not include motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers or other materials not generally associated with toilet flushing, food preparation, laundry and personal hygiene.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids and which are removable by laboratory filtering.

**WASTEWATER.** The same as sewage.  
(1991 Code, Art. 13-1)

**' 51.02 TOWN RESPONSIBILITIES AND LIABILITIES.**

(A) The town shall not be responsible for the installation, maintenance or inspection of the consumer=s service line, piping and apparatus or for any defects therein.

(B) The town shall have the right to refuse service, unless the consumer=s lines or piping are installed in a manner as to prevent cross-connections or backflow.

(C) Under normal conditions, the consumer shall be notified of any anticipated interruption of service.

(D) The town shall not be responsible for the negligence of third persons or forces beyond the control of the town resulting in any interruption of service or damage to the property of the consumer.

(E) The town may refuse service to any prospective consumer when the capacity of the sewer system will not permit additional loads being placed thereon.  
(1991 Code, ' 13-3-1)

**' 51.03 CONSUMER RESPONSIBILITY.**

(A) Building or house sewer connections on the consumer=s premises shall be so arranged as to provide service to one lot. If additional service is required, it will be considered as a separate and individual account.

(B) The consumer=s house or building service line, sewer connection and apparatus shall be installed and maintained by the consumer, at the consumer=s expense, in a safe and efficient manner and in accordance with the town=s rules and regulations and in full compliance with the regulations of the State Department of Health Services.

(C) The consumer shall safeguard the town=s property placed on the consumer=s premises and shall permit access to it only by the authorized representatives of the town.

(D) In the event that any loss or damage to the property of the town or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his or her agents or employees, the cost of necessary repairs or replacements shall be paid by the consumer to the town and any liability otherwise resulting shall be assumed by the consumer. The amount of the loss or damage or the cost of repairs may be added to the consumer=s bill, and, if not paid, service may be discontinued by the town.

(E) The town may discontinue sewer service for the following additional reasons:

(1) To prevent fraud or abuse; and

(2) The consumer=s willful disregard of or refusal to comply with this chapter or other rules as may be adopted by the Council.

(F) When service to a consumer shall require the laying of any town sewer lines or the installation of any other town property on, under, across or over the consumer=s property, the consumer will grant to the town an easement, right-of-way or license for the installation.  
(1991 Code, ' 13-3-2)

#### **' 51.04 INTERFERENCE WITH TOWN OFFICIALS; DIGGING UP STREETS WITHOUT PERMIT.**

It is unlawful for any person:

(A) To interfere in any way with town officials in the discharge of any of their duties, either in the tapping of any sewer pipe, main or lateral belonging to the town or in the laying or connecting of the pipe, main or lateral;

(B) To dig up or cause to be dug up any street or alley in the town for the purpose of connection with the sewer system of the town without first obtaining a permit from the town; or

(C) Who, having a permit, to dig up any portion of any street or alley of the town for the purpose of connecting with the sewer system of the town, to fail or neglect to place the street or alley in its original condition under the supervision of the town and as required by the town.  
(1991 Code, ' 13-3-3) Penalty, see ' 51.99

#### **' 51.05 UNSANITARY DISPOSAL OF EXCREMENT PROHIBITED.**

It is unlawful for any person to deposit or permit to be deposited in an unsanitary manner upon public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement or other objectionable waste.  
(1991 Code, ' 13-3-4) Penalty, see ' 51.99

**' 51.06 PRIVATE SEWAGE SYSTEMS.**

(A) Compliance with subchapter. Except as provided in this subchapter, it is unlawful to construct or maintain within the town any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(B) When permitted; sanitation. Where a public sanitary sewer is not available within the town or in any area under the jurisdiction of the town, the building sewer shall be connected to a private sewage disposal system which complies with the regulations of the State Department of Health Services. This private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

(C) Discontinuance. After a public sewer becomes available within 150 feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this chapter, and any septic tanks, cesspools and similar private sewage facilities shall be abandoned and filled with suitable material.

(1991 Code, ' 13-3-5) Penalty, see ' 51.99

**' 51.07 TAMPERING WITH EQUIPMENT PROHIBITED.**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage system.

(1991 Code, ' 13-3-6) Penalty, see ' 51.99

**' 51.08 PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the town.

(1991 Code, ' 13-3-7) Penalty, see ' 51.99

**' 51.09 INSPECTION AND APPROVAL BY TOWN.**

No building sewer will be connected to the building connection until it has been inspected and approved by the town. Fees for the inspections shall be determined from time to time by the Council.

(1991 Code, ' 13-3-8) Penalty, see ' 51.99

**' 51.10 RECORDS TO BE KEPT OF BUILDING CONNECTIONS.**

The town shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner of the property, his or her agent or representative.

(1991 Code, ' 13-3-9)

**' 51.11 REGULATIONS PART OF CONTRACT.**

All regulations contained in this chapter shall be considered a part of the contract of every resident of the town taking sewer service from the town, and the resident taking sewer service shall be considered as having expressly consented to be bound thereby. Consumers outside the town limits shall, upon application for sewer service, be required to sign a statement agreeing to the regulations set forth in this chapter.  
(1991 Code, ' 13-5)

**CONNECTION FEES AND RATES****' 51.25 APPLICATION FOR SERVICE.**

No sewer connection connecting the town sanitary sewer system to any consumer shall be made by any person or the town except upon written application furnished to the town by the owner of the premises to which sanitary sewer service is to be furnished, or his or her authorized agent. A monthly service charge will be made for the sanitary sewer connection according to the rates fixed by the town until the service is discontinued by order of the town or written order of the owner or his or her authorized agent.  
(1991 Code, ' 13-2-1) Penalty, see ' 51.99

**' 51.26 CONNECTION FEES.**

The fee for each building connection for residential users and for commercial users shall be set by resolution of the Council.  
(1991 Code, ' 13-2-2)

**' 51.27 GUARANTEE DEPOSIT.**

(A) A deposit, the amount of which shall be established by resolution, shall be required of a user. This deposit shall be retained by the town as security for payment of future sanitary sewer charges until the service is terminated.

(B) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

(C) A separate deposit may be required for each sewer connection or each dwelling unit.

(D) The guarantee deposit receipt is not negotiable and can be redeemed only at the town offices.



(E) Where the town finds that the request for refund of a guarantee deposit is questionable, the town may require the applicant for refund to produce the deposit receipt properly endorsed.

(F) Upon discontinuance of sanitary sewer service for nonpayment of bills, or at the request of the consumer, the guarantee deposit shall be applied by the town toward settlement of the final account of the consumer and any excess remaining shall be refunded to the consumer.

(1991 Code, ' 13-2-3) (Ord. 75, passed 4-20-1992)

#### **' 51.28 MONTHLY CHARGES AND RATES.**

(A) A monthly sewer service charge as established by the Council shall be made for each sanitary sewer connection.

(B) Rates may differ depending upon use, occupancy or location.

(C) The Council shall regulate and change the rates as it becomes necessary to meet the obligations of the town for the municipal sewer system.

(D) All charges for sewer service are payable on the last day of the month following billing at Town Hall. Each consumer shall be responsible for the payment of charges at the proper place and time. If a monthly bill is still unpaid 45 days following billing, the town reserves the right to place a lien on the property or to take the customer to small claims court to collect payment. Reconnection charge, payable in addition to a new deposit, shall be set by resolution of the Council.

(E) Prior to terminating service for nonpayment of amounts due, the town will give written notice to the consumer and provide an opportunity for a hearing for the consumer with the Town Manager or his or her designee.

(F) In case any prescribed payment date falls on a Saturday, Sunday or legal holiday, the effective date of payment, as set forth above, shall be deemed to be the day following the Saturday, Sunday or legal holiday.

(1991 Code, ' 13-2-4) (Ord. 75, passed 4-20-1992; Ord. 82-1992, passed 12-21-1992)  
Penalty, see ' 51.99

### **USE OF PUBLIC SEWERS**

#### **' 51.40 PROHIBITED SUBSTANCES.**

(A) No person shall discharge or cause to be discharged any storm water, swimming pool water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:

- (1) Any liquid or vapor having a temperature higher than 150°F;
- (2) Any water or waste which may contain more than 50 parts per million by weight of fat, oil or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (4) Any garbage that has not been properly shredded;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grits such as brick, cement, onyx, carbide 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 sewer works;
- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (7) Any waters or wastes containing a toxic or poisonous 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 receiving waters of the sewage treatment plant;
- (8) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle these materials at the sewage treatment plant; or
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(C) Commercial operations utilizing hazardous substances or creating hazardous waste, as defined in A.R.S ' 49-921(5), shall not be discharged into sanitary sewer lines.

(D) Hazardous waste and items not included in the definition of sewage shall not be discharged into the sanitary sewer lines or the sewage lagoons of the town.  
(1991 Code, ' 13-4-1) Penalty, see ' 51.99

#### **' 51.41 INTERCEPTORS REQUIRED.**

(A) Grease, oil and sand interceptors shall be provided when, in the opinion of the town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients, except that these interceptors shall not be required for private living quarters or dwelling units.

(B) Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and watertight.

(C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.  
(1991 Code, ' 13-4-2)

**' 51.42 AUTHORITY FOR REVIEW AND APPROVAL OF CERTAIN DISCHARGES.**

The admission into the public sewers of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the town:

(A) A five-day biochemical oxygen demand (B.O.D.) greater than 300 parts per million by weight;

(B) Containing more than 350 parts per million by weight of suspended solids;

(C) Containing any quantity of substance having the characteristics described in ' 51.40;  
or

(D) Having an average daily flow of greater than 2% of the average daily sewage flow of the town.  
(1991 Code, ' 13-4-3)

**' 51.43 PRELIMINARY TREATMENT.**

(A) Required. Where necessary in the opinion of the town, the owner shall provide, at his or her expense, any preliminary treatment as may be necessary to:

(1) Reduce the B.O.D. to 300 parts per million and the suspended solids to 350 parts per million by weight;

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in ' 51.42; and/or

(3) Control the quantities and rates of discharge of the waters or wastes.

(B) Approval. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the town and the State Department of Health Services. No construction of these facilities shall be commenced until the approvals are obtained in writing.

(C) Maintenance of facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(1991 Code, ' 13-4-4)

#### **' 51.44 MANHOLES .**

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

(1991 Code, ' 13-4-5)

#### **' 51.45 TESTS AND ANALYSES.**

All tests and analyses of the characteristics of waters and wastes, to which reference is made in " 51.40, 51.42 and 51.43, shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for in this subchapter or upon suitable samples taken at the control manhole.

(1991 Code, ' 13-4-6)

#### **' 51.46 SPECIAL AGREEMENTS WITH INDUSTRIAL CONCERNS.**

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern.

(1991 Code, ' 13-4-7)

#### **' 51.99 PENALTY .**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person found guilty of violating any provision of ' 51.28(D) shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(Ord. 82-1992, passed 12-21-1992)

## CHAPTER 52: ELECTRIC UTILITY

### Section

#### **Rates and Charges**

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- 52.02 Load restrictions
- 52.03 Minimum charges
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**RATES AND CHARGES****' 52.01 RATES .**

(A) Service rates. The service rates set by Council are applicable to all single- and three-phase residential service for individual private premises and individually metered apartments when all service is supplied at one point of delivery and energy is measured through one meter. The rates are not applicable to resale, breakdown or standby service for customers operating their own generating facilities.

(B) General service rates. This rates set by Council are applicable to all general power and lighting service for which no specific schedule of rates is provided and when all energy is supplied at one point of delivery and measured by one meter.

(C) Commercial rates. The rates set by Council are applicable to all single- and three-phase commercial service when all service is supplied at one point of delivery and energy is measured through one meter. The rates are not applicable to resale, breakdown or standby service for customers operating their own generating facilities.

(D) Temporary service rates. The rates set by Council are applicable to all types of light and power service for temporary service, which shall be in service for less than one month. Applicant shall pay all costs incurred for the installation.

(E) Irrigation service rates. The rates set by Council are for irrigation pumping applicable to three-phase service.

(F) Meter charge. The rates are set by Council.

(G) Contract and emergency service rates. Rates and conditions for this service shall be determined by the Town Council.

(H) State and local sales taxes. The rate schedules for purchasing electricity shall add all applicable state and local sales taxes to each customer=s bill. The sales tax shall be shown as a separate item on the bill.

(1991 Code, ' 14-1-1) (Ord. 80-1992, passed 12-21-1992) Penalty, see ' 52.99

**' 52.02 LOAD RESTRICTIONS.**

(A) Motors or other services requiring more than three horsepower, or equivalent, of operating current for single-phase or more than ten horsepower, or equivalent, of operating current for three-phase, shall have proper starting windings on equipment as approved by authorized personnel of the town.

(B) If the power factor falls below 95% lagging at any metering point during any billing period, the town may:

(1) Adjust kilowatt-hours and kilowatts during this period, for billing purposes, to equal 95% of kilovolt-ampere-hours and 95% of kilovolt-amperes (KVA);

(2) Require the customer to correct the power factor to an acceptable level;

(3) Require the customer to be continuously metered with a separate meter that registers kilovolt-amperes, kilovars or actual power factor; or

(4) At the town=s discretion, customer may be required to pay all costs associated with additional metering.

(1991 Code, ' 14-1-2) (Ord. 124-2003, passed 10-21-2003)

**' 52.03 MINIMUM CHARGES.**

The minimum monthly charges as set forth in ' 52.01(A) and (B) are based on three KVA or less of installed transformer capacity. When more than three KVA of transformer is required, the minimum monthly charge shall be increased at the rate at an amount as the Council may set by resolution from time to time for each additional KVA or fractional part thereof required.

(1991 Code, ' 14-1-3)

**' 52.04 SECURITY LIGHTS.**

This section is applicable to all security lights. The customer shall pay for the actual cost of installing the light, to include the pole, light fixture and labor. Thereafter the town will maintain the security light.

Rate:	An amount as the Council may set by resolution from time to time
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(1991 Code, ' 14-1-4)

**' 52.05 SPECIAL TRANSFORMERS.**

This section is for all special order transformers, transformers that are installed for exclusive use of a customer or at the specific request of a customer. The customer shall pay for the first transformer and the town will stock a replacement transformer thereafter.

(1991 Code, ' 14-1-5)

**' 52.06 LATE CHARGES.**

(A) A late fee of 1.5% of the total bill with an amount as the Council may set by resolution from time to time will be added to all electric bills not paid by the last day of each month, unless the last day falls on a Saturday, Sunday or a legal holiday, which would then put the last day to make a utility payment on the next regular working day. This penalty applies to all commercial, irrigation and residential customers when they are past due, regardless if they enter into a payment extension agreement with the utility office and will continue to accrue to an account for each month that late payments are made.

(B) A person is only eligible to enter into a payment extension agreement when he or she is able to show how he or she will make the delinquent payments to the Utility Supervisor or Town Manager, and it will be at their discretion and judgment whether to allow an account to enter into a payment extension agreement. It shall be understood that an essential element of a payment extension agreement is that all future electricity payments must be made by their due date in conjunction with any delinquent payments. Should a customer not comply with the terms of the payment extension agreement, including becoming delinquent on future utility bills, then the payment extension agreement shall become null and void and this electric service subject to shutoff. Payment extension agreements are not to continue beyond three months in any calendar year for any customer or single account.

(1991 Code, ' 14-1-6) (Ord. 98-1997, passed 1-21-1997)

**' 52.07 DISCONNECT /RECONNECT CHARGES.**

A disconnect/reconnect charge will be assessed for all disconnects/reconnects. The Council from time to time will review and adopt by resolution the amount of these disconnect/reconnect charges for electric service after it has been terminated due to nonpayment of a utility bill or for any other valid reason caused by the customer.

(1991 Code, ' 14-1-7) (Ord. 98-1997, passed 1-21-1997)

**' 52.08 ACCESS .**

The town=s authorized agents shall have unassisted access to the customer=s sites at all reasonable hours to install, inspect, read, repair or remove its meters or to install, operate or maintain other town property, or to inspect and determine the connected electrical load. If, after three months (not necessarily consecutive) of good-faith efforts by the town to deal with the customer, the town, in its opinion, does not have unassisted access to the meter, the town may terminate service. Seven calendar days= advance written notice will be given prior to terminating service for failure to provide unassisted access. If service is terminated as a result of failure to provide unassisted access, town verification of unassisted access may be required before service is restored. In addition to or in lieu of termination of service, the town may install a specialized meter that allows unassisted access. If the specialized meter is installed, the customer will be billed and must pay the cost of the specialized meter.

(1991 Code, ' 14-1-8) (Ord. 151-2007, passed 4-10-2007)



**' 52.09 SERVICE AGREEMENT.**

In the absence of a signed contract for electric service, the supplying of electric service by the town and acceptance of electric service by the customer shall constitute a service agreement between the town and the customer for delivery of, acceptance of and payment for services, subject to the provisions of this subchapter.

(1991 Code, ' 14-1-9) (Ord. 151-2007, passed 4-10-2007)

**' 52.10 RATES FOR PURCHASES FROM CUSTOMER GENERATING FACILITIES.**

(A) The utility does not offer any subsidies to support the capital cost of the installation of distributed generation facilities. The utility may revise this policy in the future without any retroactive payments to then existing facilities.

(B) For distributed generation facilities of 100 kW or less, the kWh supplied by the utility will be compared each month, during the normal billing cycle, with the kWh from the customer generation. If the electricity supplied by the utility exceeds the customer generation, the customer shall be billed for the net kWh by the utility according to the customer's standard rate schedule. If the customer generation exceeds the electricity supplied by the utility, the customer shall be credited during the next billing period for the excess kWh generated, and this credit will be applied to reduce the kWh supplied in that month in addition to the customer generation supplied in that month.

(C) Once each calendar year, the utility shall issue a check or billing credit to the customer for any balance due to accumulating generation credits described in division (B) above.

(D) The standard rates for purchases from distributed generation facilities shall be based on the utility's avoided costs for energy (kWh).

(E) These rates may be adjusted for the distributed generation's effect on the utility's system losses, administrative costs, dispatch ability, reliability, term of contract and other factors which impact the utility's costs.

(F) Should the utility's actual avoided costs as determined in division (D) of this section drop below a previously contracted rate, the utility retains the right to cancel the contract and offer to renegotiate or wheel the power from a distributed generation facility. Sixty days notice shall be provided to the owner of the distributed generation of use of this provision.

(G) The utility shall review annually its avoided costs as determined above and publish standard rates for purchase.

(H) Capacity payments shall be made in any case in which the distributed generation owner enters into a legally enforceable contract to provide accredited capacity. The payment for the capacity purchase from the distributed generation facility shall take into account the following items:

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- (1) Length of the contract term;
  - (2) Reasonable scheduling of maintenance;
  - (3) Willingness and ability of the customer to allow the utility to dispatch the customer=s generation;
  - (4) The utility=s ability to defer a purchase from another source or to defer construction of a facility or a portion of a facility;
  - (5) Sanctions imposed for noncompliance with these rules and any contract between the utility and the distributed generation owner; and
  - (6) Availability and reliability of the distributed generation facility.
- (l) Any tax or payment in lieu thereof imposed on the utility by any lawful authority on the production, transmission, sale or purchase of energy or capacity and energy that would not occur due to a comparable non-generating customer shall be the responsibility of the distributed generation owner.  
(1991 Code, ' 14-4)

## GENERAL PROVISIONS

### ' 52.25 PURPOSE .

The town hereby undertakes to comply with all lawful regulations of the Federal Energy Regulatory Commission (FERC) codified in 18 C.F.R. pt. 292, subpt. c dealing with arrangements with qualifying cogeneration and small power production facilities under ' 210 of Public Utility Regulatory Policies Act of 1978 (PURPA) and all amendments thereto.  
(1991 Code, ' 14-2-1)

### ' 52.26 INTRODUCTION .

(A) The town electric utility is a non-regulated electric utility. The utility will implement, to the extent possible, the connection of qualified distributed generation facilities to the utility=s electric distribution system. **DISTRIBUTED GENERATION** for these purposes will be defined as generation located at a utility customer site and meeting the necessary requirements to be connected to the utility distribution system. This generation may include any of various types of renewable energy. All generation facilities must meet utility requirements prior to connection.

(B) These rules apply to all entities willing and able to enter into an agreement with the utility. Provisions of these rules shall not supersede existing contracts.

(C) These rules represent general guidelines since the nature, size and character of qualifying facilities can vary widely. The utility reserves the right to evaluate qualifying facilities on a case-by-case basis.  
(1991 Code, ' 14-2-2)

## ' 52.27 DEFINITIONS .

(A) The following definitions apply to " 52.10, 52.25 through 52.28 and 52.40 through 52.46.

(B) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCREDITED CAPACITY.** The electrical rating given to generating equipment that meets the utility=s criteria for uniform rating of equipment. These criteria include but are not limited to reliability, availability, type of equipment and the degree of coordination between the qualifying facility and the utility.

**CAPACITY COSTS.** The costs associated with providing the capability to deliver energy. They consist of the capital costs of facilities used to generate and transmit electricity or the cost to purchase that capacity from other utilities.

**DEMAND.** The average rate in kilowatts at which electric capacity is made available as determined at the point of measurement during any 30-minute period or any other period to be determined by the utility.

**DISTRIBUTED GENERATION.** Generation located at a utility customer site and meeting the necessary requirements to be connected to the utility distribution system.

**ENERGY.** Electric energy as measured in kilowatt hours (kWh) at the point of measurement.

**ENERGY COSTS.** The variable costs associated with the production of electric energy. They represent energy related cost only or the average cost of purchased energy. Identifiable capacity charges included in purchased power agreements shall not be included in the calculation of the cost of purchased energy.

**POINT OF INTERCONNECTION.** The point or points at which the qualifying facility is to receive and/or deliver energy or capacity and energy under normal operating conditions.

**POINT OF MEASUREMENT.** The point or points where energy and/or demand are metered.

**PRESENT UTILITY PRACTICE.** Any of the practices, methods and acts engaged in or approved by a significant portion of the electrical utility industry consistent with reliability, safety and expedition.  
(1991 Code, ' 14-2-3)

**' 52.28 CONDITIONS OF SERVICE.**

The conditions listed in this subchapter shall apply to all qualifying facilities served under these rules.

(A) The utility shall purchase energy or capacity and energy from any approved distributed generation customer who offers to sell energy or capacity and energy from his or her generation facilities under 100 kW. The generation may use renewable resources, a fuel cell, cogeneration or a hydrocarbon fueled unit to generate electricity. It shall be intended to provide part or all of the customer=s requirements for electricity and have a generating capacity that is less than or equal to 125% of the customer=s total connected load at the site where the distributed generation is located. Generation that is not consistent with these limits shall be required to obtain a negotiated contract with the utility. Nothing in this subchapter shall limit the utility=s ability to evaluate the distributed generation and determine terms and conditions that are mutually satisfactory to all parties and in no way shall be detrimental to the operation of the utility=s facilities and customers.

(B) The utility shall sell any capacity and energy that is required by the qualifying facility to the qualifying facility. The qualifying facility shall be billed under the applicable residential, general, industrial or contractual service schedule.

(C) The utility shall offer to provide maintenance, interruptible, supplementary and back-up power to the qualifying facility if requested by the qualifying facility.

(D) The distributed generation owner shall execute a written agreement with the utility. The utility reserves the right to waive this requirement. The waiving of this requirement by the utility does not relinquish the utility=s right to require the execution of a written agreement in the future.

(E) The distributed generation shall comply with all requirements of the National Electrical Safety Code, American National Standards Institute, Institute of Electrical and Electronic Engineers, American Society of Mechanical Engineers, and any other applicable local, state or national code, including current IEEE standards, and operate its equipment according to prudent utility practice. In case of any conflict in the foregoing codes or standards, the utility shall decide which shall govern.

(F) Switching equipment capable of isolating the distributed generation from the utility=s system shall be accessible to the utility or its agent at all times.

(G) At its option, the utility or its agent may choose to operate, without notice or liability, the switching equipment described in division (F) of this section if, in the opinion of the utility or its agent, continued operation of the distributed generation in connection with the utility=s system may create or contribute to a system emergency or safety hazard. The utility=s obligation to purchase from the distributed generation system ceases when the utility or its agent operates the switching equipment described in division (F) of this section. The utility shall endeavor to minimize any adverse effects of the operation on the distributed generation system.

(H) The distributed generation owner shall indemnify and hold harmless the utility from any and all liability arising from the operation and interconnection of the customer=s facilities. The distributed generation owner shall bear full responsibility for the installation and safe operation of the equipment required to generate and deliver energy or capacity and energy to the point of interconnection.

(I) The owner of a distributed generation facility who employs operations, maintenance or other personnel in relation to the distributed generation shall maintain worker=s compensation insurance as required by law, and all distributed generation facilities shall maintain public liability insurance covering bodily injury and property damage in an amount not less than \$5,000,000 per occurrence. Each public liability policy shall name the utility as an additional insured.

(J) The utility shall not be liable whether in contract or in tort or under any other legal theory to the owner of a distributed generation facility, the owner=s customers or any other person or entity for:

- (1) Lost generation revenue;
- (2) Loss of use, revenue or profit;
- (3) Cost of capital;
- (4) Substitute use or performance; or
- (5) Any other incidental, indirect, special or consequential damages.

(K) The utility shall provide upon request sufficient data to allow the customer to determine the cost-effectiveness of the distributed generation if it goes into operation pursuant to these rules.

(L) The distributed generation owner shall provide an advance payment to the utility if in the opinion of the utility the costs of interconnection will be excessive or the amount of work that must be done by the utility to provide the interconnection facilities will be excessive.

(M) Any costs of interconnection which are over and above the interconnection costs that would be incurred due to the connection of a comparable non-generating customer and which are incurred by the utility due to the interconnection of the distributed generation shall be the responsibility of the distributed generation owner. Interconnection costs may be amortized over a period of time not greater than the length of the contract between the utility and the distributed generation owner, at the option of the utility.

(N) The utility may discontinue sales to the distributed generation customer during a system emergency, providing that the discontinuance is on a nondiscriminatory basis.

(O) Should the owner of a distributed generation facility request the utility to wheel its power to an adjacent utility, the utility may do so, at its option.

(P) If the utility agrees to wheel the power, a charge may be made to the distributed generation owner for interconnection costs, any modifications to the utility=s facilities to accommodate the wheeling, use of the utility=s facilities to wheel and any associated administrative costs.

(Q) The amount of power wheeled may be adjusted up or down according to the effect on the utility=s system losses due to wheeling.  
(1991 Code, ' 14-3)

## CONNECTION WITH DISTRIBUTED GENERATION FACILITIES

### ' 52.40 CONDITIONS OF INTERCONNECTION.

(A) The utility shall allow interconnection between its facilities and distributed generation facilities on a continuing basis as long as the parallel operation of the distributed generation does not degrade, in any way, the quality of the electric service provided to the utility=s other customers. The distributed generation owner shall ensure that its operation in no way creates unsafe conditions either at its facility or on the utility=s facilities.

(B) The owner of the distributed generation shall enter into a written agreement with the utility for interconnections, sale or wheeling of its power prior to actual connection and operation of its facilities.

(C) The distributed generation shall comply with all requirements of the National Electrical Safety Code, American National Standards Institute (ANSI), Institute of Electrical and Electronic Engineers (IEEE), American Society of Mechanical Engineers (ASME), the National Electric Code, General Order 95, including current IEEE standards, and all local, state and federal rules and regulations or codes which may be applicable.  
(1991 Code, ' 14-5-1)

### ' 52.41 INTERCONNECTION .

(A) The owner of the distributed generation shall, to the point of interconnection, furnish, install, operate and maintain in good repair and without cost to the utility relays, locks and seals, breakers, automatic synchronizers and other control and protective equipment as shall be designated by the utility as suitable for the operation of the distributed generation in parallel with the utility=s system. The distributed generation operator shall take appropriate steps to ensure that operating in parallel will not degrade in any fashion the quality of service that is normally maintained on the utility=s system.

(B) The owner of the distributed generation shall provide at no cost to the utility a manually operated and lockable, visual disconnect device that shall be for the exclusive use of the utility and accessible by utility representatives at all times. Usually the device will be an air switch or fused cutouts located near the point of interconnection.

(C) The protective switching equipment outlined above in division (B) of this section may be operated without notice or liability by the utility or utility representative if, in the opinion of the utility or its representative, continued operation of the distributed generation in connection with the utility's system may create or contribute to a system emergency or safety hazard. The utility shall endeavor to minimize any adverse effects of the operation on the distributed generation.

(D) The utility shall be advised of the proposed start-up and parallel time for the facilities and a utility representative shall be in attendance and shall approve parallel operation.  
(1991 Code, ' 14-5-2)

#### **' 52.42 PROTECTIVE RELAYING.**

(A) All generating units must be equipped with short-circuit interrupting devices consisting of thermal-magnetic overcurrent devices on each phase as well as undervoltage release and solenoid tripping accessories.

(B) Over and under voltage and frequency protection shall be provided to effectively isolate the distributed generation from the utility's facilities should its power output not be within the utility's normal operating tolerances. The normal tolerances for under and over voltage are 80% with ten-second time delay and 120% with no time delay of normal. Under and over frequency limits are 58 Hz and 62 Hz with one-second time delay. Frequency relays are not required for solid state inverters which are line commutated.

(C) For distributed generation facilities, primary, ground-fault sensing equipment shall be required to isolate the distributed generation from the utility's facilities unless otherwise specified by the utility.  
(1991 Code, ' 14-5-3)

#### **' 52.43 POWER FACTOR.**

The power output of the distributed generation must approach a unity power factor when operated in parallel with the utility's facilities. Equipment shall be installed to correct any deficiencies in power factor by the owner of the distributed generation at the owner's expense.

(1991 Code, ' 14-5-4)

#### **' 52.44 METERING .**

(A) The utility shall provide metering equipment capable of registering and accumulating the kWh of electricity flowing in both directions and the customer kW in each billing period. The customer shall be responsible for the difference in cost between a standard utility-supplied meter and the bi-directional meter required for distributed generation. A separate meter may be installed by the utility on the generation unit to determine the amount of generation (kWh) contributed to the utility's system.

(B) The utility shall own and maintain all necessary meters and associated equipment utilized for billing and monitoring the customer=s load and generation.  
(1991 Code, ' 14-5-5)

**' 52.45 SYSTEM DISTURBANCES.**

Disturbances to the utility=s facilities shall be minimized to the greatest extent possible. These disturbances shall include but not be limited to lagging or leading power factors, unacceptable voltage regulation, voltage flicker and harmonics.  
(1991 Code, ' 14-5-6)

**' 52.46 DAILY REPORTING.**

(A) The owner or operator of a distributed generation facility shall maintain a daily operations log for all facilities. The log shall contain information on unit parallel and separation times, maintenance outages, trip operation and other unusual events. KW operating level may also be required.

(B) The utility shall have the right to periodically review these logs.  
(1991 Code, ' 14-5-7)

**' 52.99 PENALTY .**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) Any person found guilty of violating any provision of ' 52.01(H) shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.  
(1991 Code, ' 14-1-1)

(C) Any person found guilty of violating any provision of ' 52.02 shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.  
(1991 Code, ' 14-1-2)

(D) Any person found guilty of violating any provision of " 52.08 and 52.09 shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as hereinabove described.  
(1991 Code, " 14-1-8, 14-1-9)



(E) Any person found guilty of violating any provision of " 52.28 and 52.40 through 52.46 shall be guilty of a Class 1 misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein described.

(Ord. 80-1992, passed 12-21-1992; Ord. 124-2003, passed 10-21-2003; Ord. 151-2007, passed 4-10-2007; Ord. 159-2010, passed 1-20-2010)

