

ORDINANCE NO. 5959

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, REPEALING MESA CITY CODE TITLE 8, CHAPTER 4 IN ITS ENTIRETY AND ADOPTING BY REFERENCE A NEW MESA CITY CODE TITLE 8, CHAPTER 4 - SANITARY SEWER REGULATIONS, SECTIONS 1 THROUGH 31 REGARDING PROTECTION OF THE CITY'S PUBLICLY OWNED TREATMENT WORKS AND PROVIDING PENALTIES FOR VIOLATIONS THEROF.

WHEREAS, the City of Mesa (the "City") owns, operates and maintains publicly owned treatment works (wastewater treatment plants) which provide sewer service to 146,518 customers.

WHEREAS, wastewater treatment is critical to the health, safety, and welfare of the City, its customers, and all persons living in, working in or visiting the City.

WHEREAS, federal and state laws require the City to implement certain system protections to protect publicly owned treatment works and the environment from harmful industrial wastewater discharges.

WHEREAS, pretreatment requires industrial and commercial users to pretreat, reduce, or eliminate pollutants to prevent interference with publicly owned treatment works operations and prevent pass-through of pollutants into the environment.

WHEREAS, it is in the best interests of the City to establish, revise, and clarify certain terms, conditions, limitations and other requirements regarding pretreatment.

WHEREAS, the public document setting forth the new Mesa City Code Chapter 8, Title 4 is available for public use and inspection at the Office of the City Clerk.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: Mesa City Code Title 8, Chapter 4 titled "Sanitary Sewer Regulations" and all Subsections 1 through 31 thereunder is hereby repealed in its entirety.

Section 2: Mesa City Code Title 8 - Health, Sanitation and Environment, Chapter 4 - Sanitary Sewer Regulations, Sections 1 through 31 that was made a public record on August 18, 2025, by Resolution No. 12405, of the City of Mesa, Maricopa County, Arizona, three copies of which are on file at the Office of the City Clerk and available for public use and inspection, are made a part hereof as if fully set out in this Ordinance and hereby adopted and incorporated as Mesa City Code Title 8, Chapter 4.

Section 3: The penalty provisions in Section 28 "Violations; Restriction of Sewer Service", Section 29 "Violations; Administrative Penalties", and Section 30 "Violations; Civil and Criminal Actions" of the public record titled "MESA CITY CODE TITLE 8 - HEALTH, SANITATION AND ENVIRONMENT, CHAPTER 4 - SANITARY SEWER REGULATIONS" that was made a public record by Resolution No. 12405, are hereby set forth in full and hereby adopted in accordance with A.R.S. § 9-803:

8-4-28: VIOLATIONS; RESTRICTION OF SEWER SERVICE

(A) Failure to comply with any of the requirements of this Chapter may result in the following actions:

1. The City Manager or Water Resources Director may restrict or otherwise limit allowable discharges.
2. The City Manager or Water Resources Director may suspend or revoke any Industrial Wastewater Discharge Permit issued to a permittee.
3. The City Manager or Water Resources Director may discontinue water and/or sewer service to the premises, and such service shall not be restored until such violations have been discontinued or eliminated and all outstanding charges paid.

(a) Before discontinuing water and/or sewer service as provided herein, the City Manager or Water Resources Director shall give written notice to the person of the discontinuance and an opportunity to appear before the City Manager or Water Resources Director on any disputed matter relative to the discontinuance of sewer service.

(b) However, the City Manager or Water Resources Director may abate any actual or threatened discharge which would violate any categorical standard or pretreatment requirement imposed by this Chapter by promptly plugging or disconnecting the sewer service.

(c) The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. The cost of reconnecting the sewer service will be assessed and shall be paid to the Water Resources Department.

(B) Upon notice of a final determination by the City Manager or Water Resources Director of an assessment owing or order to correct a violation under this Chapter, the responsible party shall tender the fee assessed and correct the violation within ten (10) days of the date ordered. In the event the violation is not corrected or the assessment is not tendered, it is hereby declared to be, and is, a public nuisance which may be abated by injunctive relief in the Superior Court or by other order of a court of competent jurisdiction. Such action shall be in addition to any other remedy authorized by this Chapter.

8-4-29: VIOLATIONS; ADMINISTRATIVE PENALTIES

(A) Any person who violates any provision of this Chapter or any order enforcing the provisions of this Chapter may be assessed an administrative penalty by the City Manager in an amount not to exceed twenty-five thousand dollars (\$25,000) for each violation. Each day that a violation continues shall constitute a separate violation.

(B) In determining the amount of an administrative penalty, the City Manager shall consider all of the following:

1. The seriousness of the violation;
2. The economic benefit, if any, resulting from the violation;

3. Any history of such violation;
4. Any good faith efforts to comply with the applicable requirements;
5. The economic impact of the penalty on the violator; and
6. Such other factors as justice may require.

(C) The City Manager or Water Resources Director shall provide written notice and an opportunity to be heard to any person assessed an administrative penalty under this Section. Within fifteen (15) days of receipt of the notice, such person shall pay the penalty or file a written request for a hearing with the City Manager. If a hearing is held, the City Manager shall issue a written decision, and such decision shall be final.

(D) The assessment of administrative penalties under this Section shall not limit the availability or imposition of other penalties, remedies, or sanctions under the law or this Chapter.

8-4-30: VIOLATIONS; CIVIL AND CRIMINAL ACTIONS

The City Manager may request that the City Attorney commence criminal and/or civil action against any POTW user violating any requirement of this Chapter, including an action pursuant to A.R.S. § 49-391 to enforce the collection of administrative penalties assessed under Section 8-4-29 of the Mesa City Code.

Section 4: The recitals above are incorporated in this Ordinance by reference as if fully set forth herein.

Section 5: This Ordinance is effective thirty (30) days following adoption by the Mesa City Council.

Section 6: This Ordinance does not affect suits pending, rights and duties that matured or were existing, penalties that were incurred, or proceedings that were initiated prior to the effective date of this Ordinance.

Section 7: The various City officers and employees are hereby authorized and directed to perform all acts necessary to give effect to this Ordinance, including the City Clerk who shall codify in Mesa City Code Title 8, Chapter 4, "Sanitary Sewer Regulations," Sections 1 through 31 that was made a public record on August 18, 2025 by Resolution No. 12405.

Section 8: Resolution No. 12405 and attached exhibits are on file at the Office of the City Clerk, 20 E. Main Street, Suite 150, Mesa, Arizona.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 25th day of August, 2025.

APPROVED:

Mayor

ATTEST:

City Clerk