



"Inspiring a Vibrant Community"

City of Cottonwood

Drought and Water Shortage **Preparedness Plan**

CHAPTER 13.16 **COTTONWOOD MUNICIPAL CODE**

January 24, 2020

SECTION 13.16.010

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SECTION 13.16.010

A. EXECUTIVE SUMMARY

1. In adherence to the Arizona Drought Preparedness Plan issued by the Governor of Arizona, the City of Cottonwood hereby adopts its Drought and Water Shortage Preparedness Plan (DWSP).
2. The City of Cottonwood recognizes the necessity for protection of its water supply by monitoring water use by existing, pending, and future development within its water service areas in order to ensure the continuing economic development and stability of the city, and to promote the health safety and welfare of all citizens, visitors and users of the Cottonwood Municipal Water Utility. This Drought and Water Shortage Preparedness Plan (DWSP) addresses the options and drought mitigation strategies to reduce the impact of drought and other water shortages to the Cottonwood Municipal Water Utility Users.

B. DEFINITIONS

1. Commercial Accommodation - An agreement between the City of Cottonwood and a commercial customer where compliance with the stage level may cause unreasonable economic hardship. Requests for accommodation shall be in written form to include the nature of the business and the economic impact the provision will cause. The utilities director will consider the requested accommodation on a case-by-case basis. Under demand reduction strategy IV, new commercial accommodations may only be considered by the City Council.
2. Demand Reductions – Demand reductions are measures taken by the utility department to reduce the use of potable water in response to drought or water shortage conditions. Demand reductions include measures that will restrict the use of water further than under normal conditions associated with a conservation minded desert lifestyle.
 - a. Water demand reductions during a drought may incorporate both voluntary and mandatory measures, such as curtailment of irrigation and outdoor water use and, in extreme cases, rationing of available supplies. Many of the organizational demand management responses to a drought condition, including enhanced conservation measures, are appropriate for responding to a short-duration water supply shortage. Generally, responses to a systemic failure will be more rapid and may omit intermediate steps normally associated with an incremental drought response plan.
 - b. Drought is not a constant or totally predictable condition in occurrence or duration, but it is inevitable. Therefore, multiple levels of demand reduction strategies are required to address the varying levels of drought and their potential impacts.
3. Drought - Drought is an extended period of abnormally low precipitation (rain or snow) that may adversely affect growing or living conditions. Drought can be caused by seasonal or multi-year weather conditions and is usually systemic and regional in nature and of indeterminable length.
4. DWSP – Drought and Water Shortage Preparedness Plan.
5. Effluent - Effluent is discharge from a sewer or sewage system and remains effluent until it acquires the characteristics of groundwater or surface water. Effluent that is reclaimed for reuse is

treated to a quality that is suitable for use in non-potable applications such as construction, decorative water features or irrigation of landscape, food crops, orchards and vineyards. Such water remains effluent until it acquires the characteristics of groundwater or surface water.

6. Emergency Authority – A city certified operator with direct responsibility for the potable and/or reclaimed water systems working in conjunction with the city utilities director, has the authority to make operational adjustments and/or changes to the potable water and reclaimed water system for the purpose of protecting the system from damage, maintaining water supply, or restoring the system to operation after a system failure.
7. Even-Numbered Address – Any street address ending in zero (0), two (2), four (4), six (6) or eight (8).
8. Fountain - Any water feature that is solely or partially used for decorative purposes.
9. Irrigation – Water that is applied to land, turf or crops by means of pipes, hoses or sprinklers for the express purpose of growing and maintaining turf and/or crops.
10. Odd-numbered address – Any street address ending in one (1), three (3), five (5), seven (7) or nine (9).
11. Potable Water – Water that meets the standards for drinking purposes from both health and aesthetic considerations, and which meets the quality standards prescribed in the U.S. Environmental Protection Agency’s National Primary Drinking Water Regulations (40 CFR Part 141).
12. Reclaimed Water – Recycled effluent that is treated to improve its quality. Reclaimed water can serve in many capacities where it is unnecessary to use high-quality potable (or drinking) water. Reclaimed water uses include but are not limited to: irrigation, wetland restoration, industrial washing and cooling, fire protection, dust control, car washing and others.
13. Safe Production Capability – Safe production capability is equal to the volume of water, measured in gallons per day (GPD) that each water system within the City of Cottonwood’s water distribution system is capable of producing, treating and delivering with the wells serving that system and operating at a maximum of 62.5 percent (15 hours) of a 24-hour period. For water systems that are interconnected, the safe production capability is calculated for all of the systems as if they are one system.
14. Supply Shortage – Supply shortage occurs when the availability of water to an area is insufficient to meet the immediate unrestricted demands. A supply shortage may be system-wide or localized and can be of short or long duration. Supply shortages may be caused by exceedingly high and unforeseen increases in water demand, failure of one or more components of the development, storage or distribution system, water quality compliance issues or any number of other natural or man-made situations.
15. Surcharge – An additional fee, cost or levy to a Cottonwood Municipal Water Utility user for violation of any prohibition of the City of Cottonwood Drought and Water Shortage Preparedness Plan.

16. Total Production Capability – The total production capability is equal to the total volume of potable water, measured in gallons per day (GPD), the city is capable of producing, treating and delivering to each system or systems depending on whether or not the system is interconnected with one or more other systems or if it is a system that is independent and isolated from the other systems. For systems that are interconnected, the total production capability is calculated for all of the systems that are interconnected and have the ability to receive water produced in an adjoining system.
17. Wasting Water - To use, expend or too allow water to be used with no beneficial purpose. Examples include, but are not limited to, discharging directly to or allowing water inadvertently to run into the street/gutter, irrigating during precipitation events, and failing to repair water leaks.
18. Water Conservation Enforcement Aid – City employees, working under the direction of the utilities director or his/her designee, charged with the responsibility of educating the public regarding the city's DWSPP and enforcing water restrictions related thereto. The water conservation enforcement aid enforces compliance with the DWSPP by field inspections of perceived violations, verbally informing users of the DWSPP's prohibitions and requirements, and by delivering written warnings and/or written surcharge notifications to users violating those prohibitions.
19. Water Demand Reduction Strategies – Planned responses to varying levels of drought and water shortage designed to ensure the availability of an adequate supply of water in times of emergency to meet the needs of current and future water users.

C. PURPOSE AND OBJECTIVE

1. The purpose of the DWSPP is to provide strategies and procedures for periods of time when the city's water utility is unable to meet the water demands of its customers due to extended periods of drought or other issues that have affected the municipality's water supply and/or distribution system. The DWSPP is a resource designed to assist the city with managing its water resources effectively during water supply shortages to minimize potential impacts from extended periods of drought and water supply shortages.
2. The objective of the DWSPP is to provide ways for the city, businesses, and residents to aid in water demand reduction when a water supply shortage occurs and to provide a framework for operating the Cottonwood Municipal Water Utility during times of drought and water shortage.

D. AUTHORITY

1. **Mayor:** The Mayor, upon the recommendation of the utilities director and after notification to the City Council, is hereby authorized to declare and suspend demand reduction strategies and elements of the strategies. These may be initiated and suspended based upon resource status levels, or other relevant information, which evaluates the water demand in relationship to the safe production capability. The Mayor may also authorize exemptions to strategies and/or elements of strategies when necessary for the protection and preservation of the public health, welfare and safety.
3. **Utilities Director:** The utilities director of the Cottonwood utility department in conjunction with a certified operator with direct responsibility for the potable water system has emergency authority to take operational measures deemed necessary to protect the potable water system.

4. **Exemptions:** This DWSPP is applicable to all water utility customers of the Cottonwood Municipal Water Utility, regardless of whether they live within – or without – the corporate limits of the city. Private well owners and homeowners who live within the Cottonwood Municipal Water Utility Service area and receive no water delivery service from the city, however, are exempt from compliance with this DWSPP. The use of surface water supplied by a private ditch/irrigation company or association is also exempt from compliance with this DWSPP.

SECTION 13.16.020

A. BEST PRACTICES / INDUSTRY STANDARDS

1. **Preparedness:** The DWSPP provides city leaders the opportunity to react quickly and implement appropriate restrictions early, while making allowances to suit situational needs. During drought, water shortage, or at all other times, the ultimate goal for the municipality is to protect and preserve public health, welfare and safety and to minimize adverse impacts.
2. **Responsiveness to Customers:** Cottonwood's goal is to continue to provide sufficient water of high quality to meet the needs of its customers. Should water shortage conditions arise, the City of Cottonwood wants to be sensitive to the needs of its water customers and wants to ensure that residential customers and business interests have the opportunity to respond in an informed manner. Shortages should be handled in a manner that minimizes the disruption of the economy so that jobs are protected and regional economic stability is preserved. The customers of Cottonwood Municipal Water Utility should expect competent implementation of demand reduction measures when they are necessary.
3. **Equity and Fairness During Water Shortages:** The impacts and hardships caused by drought or other water shortages should be shared equitably and in proportion to the magnitude of the shortage. Not all uses of water are the same. Some uses, such as reserves for fire suppression, critical cooling applications, and medical necessity will take priority over less critical applications of the available resource, such as lawn and park irrigation, maintenance of decorative fountains or water features and cooling of outdoor areas.
4. **Public Education:** In order to effectively provide ways for the residents and businesses to participate in water demand reductions when a water supply shortage occurs, the city shall provide the public with education and information about the DWSPP and the city's demand reduction strategies.
5. **Water Conservation:** Water conservation, by its very nature, should be a normal component of a properly run water utility, which seeks to maintain a sustainable supply of water. Water conservation is particularly applicable to communities located within a desert environment like Cottonwood. Water conservation should be an on-going practice by all utility customers and residents of the community.
6. **Proactive Approach:** Effective conservation programs can extend the existing water supply, reduce the need for finding and delivering additional water and minimize or eliminate potential impacts to the natural ecosystem caused by removing excess groundwater. Conservation efforts employed by customers can maintain and even reduce overall household operating expenses associated with the

cost of treatment and delivery of water. Conservation activities employed by the utility and its customers are exercises in responsible behavior.

7. Common Practice of the City: As part of the Best Practices/Industry Standards provisions, it shall be the practice of the City of Cottonwood to implement the requirements of Demand Reduction Strategy I – “Water Smart” as more thoroughly delineated in §13.16.030 of this Chapter year-round.
8. Adherence Mandatory: Adherence to Demand Reduction Strategies II, III and IV that are associated with Water Resource Status Levels II, III and IV are mandatory whenever the Mayor declares that a particular elevated Water Resource Status exists. Adherence to Demand Reduction Strategy I does not require a declaration and shall be enforced year-round.
9. New Landscaping for Commercial Projects: New landscaping for commercial projects should only be established with plant materials that require little or no supplemental irrigation water. For such new projects, daily irrigation for purposes of plant establishment should only be allowed for landscaping that is required under the landscaping codes of the City. A forty-five (45) day Landscape Water Permit shall be obtained through the Cottonwood Municipal Water Utility prior to landscape installation and shall be prominently posted at the irrigation site.

B. WATER RESOURCE STATUS LEVEL DESCRIPTIONS

1. With the exception of Water Resource Status Level I, all Water Resource Status Levels provide comparisons between water demands and safe water production capabilities of the Cottonwood Municipal Water Utility at a given point in time.
2. Resource Status Levels may trigger the implementation of Demand Reduction Strategies, the violation of which may result in surcharges being added to a City of Cottonwood Municipal Water Facility user’s utility bill, as further provided in § 13.16.050 of this Chapter.
3. Water Resource Status Level Descriptions:

a. Resource Status Level I:

Resource Status Level I is in effect year-round and is designed to be a proactive measure for the responsible use of water in Cottonwood’s desert environment.

b. Resource Status Level II:

Resource Status Level II shall be in effect when water demand exceeds safe production capability by any amount for five (5) consecutive days.

c. Resource Status Level III:

Resource Status Level III shall be in effect when water demand exceeds safe production capability by more than twenty percent (20%), but less than thirty-five percent (35%) for five (5) consecutive days.

d. Resource Status Level IV:

Resource Status Level IV shall be in effect when one or more of the following occur: 1) when water demand exceeds safe production capability by thirty-five percent (35%); 2) when a temporary or permanent failure of any major supply or distribution facility occurs in the water distribution system resulting in a water outage greater than 24 hours; 3) when the amount of water in storage is insufficient to provide adequate fire protection for the City; or 4) when any other occurrence or reason the Mayor, in consultation with the City's utilities director, deems to create a water shortage that justifies the declaration of Resource Status level IV and the implementation of the extreme water reduction strategies associated with it.

SECTION 13.16.030

A. Demand Reduction Strategies

1. The Demand Reduction Strategies outlined in this plan incorporate a variety of measures to reduce the use of groundwater in response to drought or supply shortage conditions. Demand reduction strategies include measures that will restrict the use of groundwater further than under normal conditions associated with a conservation minded desert lifestyle.
2. Compliance with demand reduction strategies is mandatory for all Cottonwood Municipal Water Utility users, and any violation of the demand reduction strategies may result in surcharges being added to a City of Cottonwood Municipal Water Utility user's utility bill, as further provided in § 13.16.050 of this Chapter.
3. Water demand reduction during a drought may incorporate both voluntary and mandatory measures. Many of the organizational demand reduction strategies to a drought condition, including conservation measures, are appropriate for responding to a short-duration supply shortage. Responses to a systemic failure will generally be more rapid and may omit intermediate steps normally associated with an incremental drought response plan.
4. Droughts are unpredictable in their occurrence, intensity and duration. Because of the varying intensity and duration of droughts, multiple levels of demand reduction strategies are required to address and minimize the degree of impacts. This plan includes four (4) levels of Demand Reduction Strategies, which are as follows:

5. DEMAND REDUCTION STRATEGY I

"WATER SMART" (BASELINE)

Goal: The goals of Demand Reduction Strategy I are to continually conserve water consistent with living in a desert environment, to avoid waste and other unnecessary water consumption; and to maintain water demand at a level that is continuously below safe production. Demand Reduction Strategy I is a proactive condition that is enforced year-round without the need of a declaration. Accordingly, the following measures are mandatory year-round:

- a. Water shall be conserved both inside and outside the home using best practices available to minimize waste.

- b. Landscaping for residential uses shall be accomplished with plant materials that require little or no supplemental irrigation water.
- c. No irrigation shall occur between the hours of 8:00am – 6:00pm.
- d. Automobile washing shall only be undertaken with a bucket and hose with shut off nozzle, or by utilizing other water saving devices such as a pressure washer, or at carwashes that recycle or re-circulate water.
- e. No person shall waste water, as the term is defined above
- f. Absent extenuating circumstances and specific approval from the utilities director, which may be limited or conditioned in the director’s discretion, construction projects shall at all times use reclaimed water or effluent, and not potable water, for construction and dust control purposes.

6. DEMAND REDUCTION STRATEGY II

“WATER ALERT”

Goal: The goal of Demand Reduction Strategy II is to reduce water demand at a level where safe production capability exceeds water demand for ten (10) consecutive days. Meeting the requirements of Resource Status Level II triggers the process for implementing the mandatory measures of Demand Reduction Strategy II. **Demand Reduction Strategy II includes all Demand Reduction Strategy I requirements plus the following additional, mandatory measures:**

- a. No outdoor water use shall occur between the hours of 8:00 am and 6:00 pm. For irrigation use, watering days shall be coordinated with a property’s address. Even numbered addresses may irrigate on Wednesday, Friday and Sunday. Odd numbered addresses may irrigate on Tuesday, Thursday and Saturday. For places where there is no discernable address (rights-of-ways, medians, etc.), the even date schedule should be followed. No irrigation shall be allowed on Mondays during Demand Reduction Strategy II (“Water Alert”) implementation periods.
- b. Cooling of outdoor areas with water or misting devices is prohibited.
- c. Restaurants shall serve water to customers upon request only and shall display table tents or other types of public notice to this effect.
- d. Hotels, motels, inns and other transient lodging establishments shall wash a customer’s linens if a stay is in excess of one night on request only, and shall display notice to this effect.

7. DEMAND REDUCTION STRATEGY III

“WATER EMERGENCY”

Goal: The goal of Demand Reduction Strategy III is to reduce water demand to a level where safe production capability exceeds water demand for ten (10) consecutive days. Meeting the requirements of Resource Status Level III triggers the process for implementing the mandatory measures of Demand Reduction Strategy III. **Demand Reduction Strategy III includes all Demand Reduction Strategies I and II requirements, plus the following additional mandatory measures:**

- a. No water shall be used to wash sidewalks, driveways, parking areas, tennis courts, patios, or other similar paved surfaces.
- b. No water shall be added to fountains, water features, recreational swimming pools, spas, or wading pools holding more than one hundred (100) gallons of water.
- c. No new landscaping for commercial projects shall be installed, provided, however, that failure to install required landscaping during periods of Demand Reduction Strategy III (water Emergency) will not prevent or delay the issuance of a Certificate of Occupancy, providing a surety is provided that is acceptable to the Community Development Department to ensure the installation of such landscaping once the Demand Reduction Strategy III (Water Emergency) period has expired.
- d. Requests for commercial accommodations shall be made to the Cottonwood utilities director

8. DEMAND REDUCTION STRATEGY IV

“WATER CRISIS”

Goal: The goals of Demand Reduction Strategy IV are to reduce water demand to a level where safe production capability exceeds water demand for ten (10) consecutive days; to recover from the loss of supply due to a temporary or permanent failure of any major supply or distribution facility in the water system; and/or to increase water in storage to a level that is sufficient to provide adequate fire protection for the city. Meeting the requirements of Resource Status Level IV triggers the process for implementing the mandatory measures of Demand Reduction Strategy IV. **Demand Reduction Strategy IV includes all Demand Reduction Strategies I, II, and III requirements (§13.16.030(A) (5)(6)(7), plus the following additional mandatory measures:**

- a. No potable water shall be used for outdoor purposes.
- b. No potable water shall be used in violation of any other restriction deemed necessary by the Cottonwood City Council for the purpose of protecting the welfare of the citizens of Cottonwood.
- c. No new water system connection permits shall be issued and permitted new connections shall not be activated.
- d. No new commercial accommodations shall be allowed unless approved by the Cottonwood City Council.

SECTION 13.16.040

A. DEMAND REDUCTION STRATEGY IMPLEMENTATION

1. Demand Reduction Strategy I shall be in effect year-round.
2. The Cottonwood Municipal Water Utility shall monitor the projected supply and demand for water on a daily basis during periods of emergency or drought and shall recommend to the Mayor and City Manager the extent of the demand reduction measures required to prudently plan and supply water to the water utility customers.
3. The Mayor, upon the recommendation of the utilities director, or his/her designee, is hereby authorized to declare and suspend the Demand Reduction Strategies and elements of the Strategies that are set forth in this Chapter. The Strategies may be initiated, increased, decreased and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and municipal safe production capability.
4. A change in the Demand Reduction Strategy Level may be enacted by completing all of the following:
 - a. Providing notice to the members of the City Council;
 - b. Issuance of a Press Release to radio stations and newspapers of general circulation in the community;
 - c. Appropriate postings on the City of Cottonwood website; and
 - d. Appropriate signage at strategic locations throughout the City, that clearly advise citizens of the prevailing Demand Reduction Strategy is then existing (i.e., “Water Alert” – Water Emergency” – or “Water Crisis”).
5. The Demand Reduction Strategy designated shall become effective immediately upon declaration by the Mayor.
6. The Notice of Demand Reduction shall give the extent, terms and conditions respecting the use and consumption of water. Upon such declaration and issuance of appropriate media releases, due and proper notice shall be deemed to have been given to each and every Cottonwood Municipal Water Utility user.
7. This implementation may require the reallocation of current staff to enforce the provisions of this Chapter. In addition, the city may employ “Water Conservation Enforcement Aids” to enforce the provisions of this Chapter. The Cottonwood Municipal Water Utility has emergency authority to take operational measures deemed necessary to protect the City’s potable water systems.

SECTION 13.16.050

A. VIOLATIONS, WARNINGS, SURCHARGES

1. All Demand Reduction Strategies of the DWSPP shall be enforced, administratively, by the City of Cottonwood Municipal Water Utility.
2. Enforcement of this Chapter may require the reallocation of current City of Cottonwood Municipal Water Utility staff to enforce the provisions of this Chapter. In addition, the City may employ “Water Conservation Enforcement Aides” who are authorized and empowered to enforce the provisions of this Chapter.
3. Enforcement shall consist of public education forums, on-site inspections by Water Conservation Enforcement Aides, written warnings, and, as a last result, the addition of surcharges to the monthly utility bills of any City of Cottonwood Municipal Water Utility user found in violation of this Chapter.
4. Violations of this Chapter may result in the levying of the following surcharges:
 - a. A written warning shall be issued for a first offense of **Demand Reduction Strategy I**. A surcharge of **\$10.00** shall be assessed to the account of record for a second violation of **Demand Reduction Strategy I during the same calendar year.**
 - b. A surcharge of **\$25.00** shall be assessed to the account of record for a violation of **Demand Reduction Strategy II “Water Alert.”**
 - c. A surcharge of **\$50.00** shall be assessed to the account of record for a violation of **Demand Reduction Strategy III “Water Emergency.”**
 - d. A surcharge of **\$100.00** shall be assessed to the account of record for a violation of **Demand Reduction Strategy IV “Water Crisis.”**
 - e. Surcharges shall double for every repeat violation during the same calendar year.
 - f. Each succeeding surcharge under the prevailing strategy level may be twice the previous surcharge assessed for the previous violation during the same calendar year.

B. APPEAL OF ASSESSMENT OF SURCHARGE

1. The assessment of a surcharge may be appealed, in writing, within fourteen (14) calendar days of the notice of the surcharge assessment.
2. The written appeal shall be submitted to the City of Cottonwood Utilities Department within said fourteen (14) calendar day time limit, or the right to such appeal shall be permanently waived.
3. The written appeal shall be reviewed by a Water Utility Appeals Committee, which shall be comprised of the following members:

- a. The Cottonwood City Utilities Director; or his or her designee,
 - b. The Cottonwood City Finance Director; or his or her designee,
 - c. The Cottonwood City Manager; or his or her designee, and
 - d. Two Cottonwood City Council Members or their designees.
4. The Water Utility Appeals Committee shall determine whether the appeal has merit, taking in to account all the available facts and circumstances. In assessing the merits of any appeal, the Water Utility Appeals Committee shall have full authority to review all documentation of the account of record under appeal.
 5. The Water Utility Appeals Committee shall have the authority to hear testimony on behalf of the appellant and the Water Utility.
 6. The Arizona Rules of Evidence do not apply in the appeal process.
 7. The Water Utility Appeals Committee shall render a written decision to the appellant within ten (10) calendar days after receipt of the appeal.
 8. Decisions of the Water Utility Appeals Committee are final.
 9. All surcharge-related correspondence shall be addressed to:

City of Cottonwood Utilities Department
111 N. Street
Cottonwood, AZ 86326

C. TRACKING OF SURCHARGES

1. All surcharges collected for violations of this Chapter shall be credited to the Cottonwood Municipal Water Utility.