

ORDINANCE NO. 2007- \_\_\_\_

**AN ORDINANCE OF PIMA COUNTY, ARIZONA RELATING TO DROUGHT: AMENDING PIMA COUNTY CODE CHAPTER 8.70 DROUGHT RESPONSE PLAN AND WATER WASTING ORDINANCE, SECTIONS 8.70.010 (C) Purpose; 8.70.020 (A)(D)(E)(F)(G)(I) DEFINITIONS; 8.70.040 (B(1)(3)(4)(5))(C(1)(2)(3)(4))(D(1)(2(a)(b)(c))(3)(5)) DROUGHT STAGES - REQUIRED DROUGHT CONSERVATION MEASURES; 8.70.050 (A)(B) DECLARATION OF DROUGHT STAGE; 8.70.060 VARIANCES; 8.70.080 (B) VIOLATION -ENFORCEMENT.**

WHEREAS, pursuant to A.R.S. Section 11-251.05, the Pima County Board of Supervisors is authorized to adopt, amend and repeal all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county which are not otherwise specifically limited by §11-251 or any other law or in conflict with any rule or law of the state of Arizona; and

WHEREAS, the Board of Supervisors has determined the need to amend certain sections of Chapter 8.70 Drought Response Plan and Water Wasting Ordinance.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

**SECTION 1.** That Pima County Code, Chapter 8.70, Sections 8.70.010, 8.70.020, 8.70.040, 8.70.050, 8.70.060 and 8.70.080 are amended to read as follows:

**8.70.010 Purpose and Applicability.**

\* \* \* \* \*

C. This chapter applies to the unincorporated areas of Pima County.

**8.70.020 Definitions.**

A. “Arizona Drought Monitoring Report” means the report issued by the Arizona Department of Water Resources’ Monitoring Technical Committee (MTC), created by the Governor’s Drought Task Force, which is responsible for gathering drought, climate, and weather data and disseminating that information to land managers, policy-makers, and the public. The MTC determines drought conditions based on monitoring data, tracks changes in weather and physical conditions, forecasts likely future conditions, and provides early detection of changes in drought severity. The MTC will also assess local area impact assessment information provided by citizens throughout the state.

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- D. “Drought Monitoring Committee” means individuals skilled in monitoring climate, area water supplies, ecosystems, and economic and social impacts as a result of drought.
- E. “Economic hardship” means a threat to an individual’s or business’ primary source of income.
- F. “Notification to the public” means notification through local media, including interviews and issuance of news releases.
- G. “Person” means a government or government subdivision or agency, the county, a municipality, district or other political subdivision, a cooperative, association, corporation, company, firm, partnership, individual, or other legal entity.

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- I. “Water” means potable or reclaimed water from all sources.

**8.70.040 Drought Stages; Required Drought Conservation Measures.**

Following the declaration of a drought stage, no person may make, cause, use, or permit the use of water for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this section, or in an amount in excess of that use permitted by the drought management stage. The water use restrictions in each less restrictive stage apply to all more restrictive stages unless the higher stage has a more stringent requirement on the same subject.

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- B. Stage 2, Water Warning. During a Water Warning, the following additional conservation measures will be implemented:

- 1. Persons may only irrigate landscaping between the hours of 7 p.m. and 7 a.m.

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- 3. No person may operate outdoor misters;
- 4. No person may operate or use public fountains or water features;
- 5. No natural person may wash a car except with use of a bucket and a shut-off nozzle;
- 6. No charity car washes may occur except at commercial car washes that recycle water; and
- 7. No person may overseed turf areas.

- C. Stage 3, Water Emergency. During a Water Emergency, the following additional conservation measures will be implemented:

- 1. No person may fill a newly constructed residential pool. Pool permits will remain in active status for 3 months after Stage 3 is downgraded to Stage 2;

2. No person may operate a car wash unless it is equipped with a water recirculation system; and
  3. A person may top off a pool only to maintain water level; no person may refill a pool.
- D. Stage 4, Water Crisis. During a Water Crisis, the following additional conservation measures will be implemented:
1. Landscape irrigation is restricted to only trees and shrubs; no person may irrigate turf or ground cover;
  2. No person may fill a newly constructed pool. Pool permits will remain in active status for 3 months after Stage 4 is downgraded to Stage 2;
  3. No person may use water to wash a car;
  4. No person may use water to clean a parking lot or street; and
  5. No person may use potable water in construction projects, either for dust control or toward the erection of new improvements or structures.

**8.70.050 Declaration of Drought Stage.**

- A. Drought Stage Trigger - The triggers defining each drought stage are listed in Table 8.70.050.
- B. Declaration of Drought – A drought stage for all or any area of the county may be declared by the Board of Supervisors upon a recommendation from the county administrator and information developed by the Drought Monitoring Committee. A declaration by the U.S. Secretary of the Interior of either a shortage on the Colorado River or a curtailment of water delivered through the Central Arizona Project canal to any local water provider may increase the drought level by one stage. If the severity of the drought lessens, the Board of Supervisors may downgrade the drought stage to a lower stage.

**Table 8.70.050**

<b>Indicator</b>	<b>Arizona Drought Monitor Report<sup>1</sup> Based on Findings Related to Pima County</b>
Stage 1 Alert	Abnormally Dry
Stage 2 Warning	Moderate
Stage 3 Emergency	Severe
Stage 4 Crisis	Extreme

<sup>1</sup> See <http://www.azwater.gov/dwr/drought/MTC.html>

#### **8.70.060 Variances.**

The director is authorized to review hardship cases and special cases within which strict application of this chapter would result in serious hardship to a person. A variance may be granted only for reasons involving health, safety or economic hardship. Application for variance from requirements of this chapter must be made on a form provided by the director.

#### **8.70.080 Violation; Enforcement.**

- A. In the event of any violation of this chapter, the department shall post on the property where the violation occurred written notice and mail a duplicate notice to the registered owner of the property and to any person known to the department who is responsible for the violation or its correction. Such notice shall describe the violation and order that it be corrected, ceased or abated immediately or within such specified time as the department determines is reasonable under the circumstances and shall further contain a description of the fees and penalties associated with such violation. If the cited person fails to comply with such order, the department will contact the water provider who may disconnect the service where the violation occurs. The property owner will be responsible for any reconnection charges in addition to other fees or charges imposed by the water provider.
  
- B. In addition to being grounds for discontinuation of service, violation of any provision of this chapter is a civil infraction. Any person found to be non-compliant with any provision of this chapter may be assessed a civil penalty of not less than two hundred fifty dollars (\$250.00) for a violation occurring during drought management stage 2, not less than four hundred dollars (\$400.00) for a violation occurring during drought management stage 3, and not less than six hundred dollars (\$600.00) for a violation occurring during drought management stage 4. Each violation and every day upon which such violation occurs shall constitute a separate infraction. The director may also seek injunctive relief.

**SECTION 2.** The various county officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

**SECTION 3.** If any provision of this ordinance, or the application thereof to any person or circumstances, is invalid that invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or applications, and to this end the provisions of this ordinance are severable.

**SECTION 4.** This Ordinance shall become effective 31 days after its adoption.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY,  
ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

**PIMA COUNTY BOARD OF  
SUPERVISORS**

\_\_\_\_\_  
Chairman

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Deputy County Attorney