

When Recorded Mail To:  
City Clerk  
City of Buckeye  
530 East Monroe Avenue  
Buckeye, Arizona 85326

**ORDINANCE NO. 10-21**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE CITY CLERK ENTITLED THE “CITY OF BUCKEYE 2021 WATER CONSERVATION CODE UPDATES” BY REFERENCE; AND AMENDING THE BUCKEYE CITY CODE BY AMENDING CHAPTER 17, WATER UTILITIES, IN ACCORDANCE WITH THE “CITY OF BUCKEYE 2021 WATER CONSERVATION CODE UPDATES”; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES FOR VIOLATIONS.**

**WHEREAS**, that certain document entitled the “City of Buckeye 2021 Water Conservation Code Updates,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk;

**WHEREAS**, the Mayor and Council of the City of Buckeye, Arizona (the “City Council”) deem it necessary, in order to protect the public health, and safety, to adopt certain rules and regulations controlling and conserving water within the City of Buckeye; and

**WHEREAS**, the City Council finds that the proposed rules and regulations will further protect public health and safety by strengthening the City's water conservation program to reduce outdoor water use, reduce water waste, reduce customer and homeowner association water bills, reduce costs for purchasing and developing additional water supplies, reduce costs for infrastructure to treat and deliver additional water supplies and ensure that the City's water supplies are sustainable.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA**, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled the “City of Buckeye 2021 Water Conservation Code Updates,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is hereby amended by amending Chapter 17, Water Utilities, Article 17-5 – Water Uses, Restrictions, Conservation, by inserting the provisions in the “City of Buckeye 2021 Water Conservation Code Updates,” as provided therein.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 5. In accordance with Chapter 17, Water Utilities, Article 17-5 – Water Uses, Restrictions, Conservation, as amended herein by inserting the provisions in the “City of Buckeye 2021 Water Conservation Code Updates” as provided therein, Section 17-5-28 – Violations and Penalties - is hereby included in the “City of Buckeye 2021 Water Conservation Code Updates”, to read as follows:

**Section 17-5-28– Violations and Penalties**

Except as otherwise provided in this chapter, any person found in violation of any provision of Article 17-5 shall first be issued a notice of violation and provided 30 days in which to correct the violation. If the violation is not corrected within the 30-day period, the violation shall be a civil offense and subject to civil penalties as a first offense in an amount of \$150.00. A second or subsequent violation of any provision of Article 17-5 within an 18-month period shall be a civil offense and subject to civil penalties in an amount of \$300.00, and \$500.00 for a third and subsequent offense.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the “City of Buckeye 2021 Water Conservation Code Updates” adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. In the event of any inconsistency, conflict or ambiguity among any section, subsection, sentence, clause, phrase or portion of the “City of Buckeye 2021 Water Conservation Code Updates” adopted herein by reference, the City Code, or this Ordinance, the documents shall govern in the order listed herein.

Section 8. This Ordinance shall become effective on March 1, 2022.

Section 9. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Buckeye, Arizona, this 7<sup>th</sup> day of December, 2021.

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Eric W. Orsborn, Mayor

ATTEST:

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Lucinda J. Aja, City Clerk

The signed version of Ordinance No. 10-21 is on file in the Office of the City Clerk located at 530 E Monroe Avenue, Buckeye, AZ, 85326.

APPROVED AS TO FORM:

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Shiela B. Schmidt, City Attorney