

ORDINANCE 14-09

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA, AMENDING THE BUCKEYE TOWN CODE CHAPTER 17, WATER, RELATED TO WATER USE AND CONSERVATION; PROVIDING FOR SEVERABILITY; AND REPEALING CONFLICTING ORDINANCES

WHEREAS, water conservation is in the interests of the Town of Buckeye, its citizens and businesses, and promotes the general health and public welfare.

BE IT ORDAINED by the Mayor and Town Council of the Town of Buckeye, Arizona as follows:

Section 1. That the Buckeye Town Code, Chapter 17, Water, Article 17-7, Consumer Responsibilities, is hereby amended by adding new Sections 17-7-10 through 17-7-23, as follows:

Definitions:

Artificial turf – An artificial surface made of synthetic material which resembles grass.

Drip irrigation system – A method of providing water to plants through small-diameter tubes and emitters to minimize evaporation losses and runoff. The tubing is installed underground.

Effluent – Sewage or wastewater after it has been treated at a sewage treatment plant.

Gray water – Wastewater in the home from bathroom sinks, bathtubs, showers, and washing machines. Does not include wastewater from toilets, dishwashers, and kitchen sinks.

Irrigation – Watering landscaping and crops by artificial means to foster plant growth.

Runoff – Water which does not soak into the soil or landscape but flows off of it. Runoff occurs if the water is applied too quickly, for too long a duration, or on too steep a slope. In this document the word runoff does not refer to natural stormwater runoff.

Turf – Grass, its roots, and the upper soil bound by grass roots. A lawn composed of grass.

Xeriscape – Landscaping using drought-resistant plants in an effort to conserve water. Water-conserving landscaping that emphasizes plants whose natural requirements are appropriate for the local climate. The word xeriscape was formed by combining *xeros* (Greek for "dry") with *landscape*.

Section 17-7-10 Outdoor Irrigation Water Use

A. Outdoor Irrigation Restrictions. In order to reduce evaporation losses, outdoor spray irrigation is not allowed between 9:00 AM and 6:00 PM from March 15 through November 14; and between 11:00 AM and 6:00 PM from November 15 through March 14.

B. Exemptions to Outdoor Irrigation Restrictions. The following water sources are exempt from the restrictions of this section: (1) treated effluent; (2) gray water; (3) water harvested from precipitation; (4) water supplied by Buckeye Irrigation Company, Roosevelt Irrigation District, Arlington Canal Company, other irrigation water used on agricultural crops, or agricultural irrigation tail water; (5) water withdrawn under the authority of a poor quality groundwater withdrawal permit issued by the Arizona Department of Water Resources; (6) fire hydrant flushing water; (7) reject water from a water treatment system or water treatment plant; and, (8) reject cooling water or bleed-off water from an evaporative cooler.

In addition, the following water applications are exempt from the restrictions of this section: nursery stock, outdoor plants in moveable containers, new or replacement landscaping (including grass seed or sod) for the first 21 days after planting, construction water, water used for dust control to meet Maricopa County Air Quality requirements, supervised operation of watering systems for short periods of time to check the system condition and effectiveness, temporary watering following the application of fertilizers, and temporary watering to assist vegetation which is stressed or taking root slowly.

Furthermore, large turf areas may continue irrigation after the restricted hours, if the irrigation cycle cannot be completed within the allotted time period.

Section 17-7-11 Automatic Shutoff Nozzles for Hoses

A. Automatic Shutoff Nozzles Required for Hoses. Automatic shutoff nozzles are required for all hoses used for hand irrigation watering, car washing or other outdoor uses. Water hoses used to wash automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment must be equipped with a shutoff nozzle that completely shuts off the flow of water.

B. Exemptions for Automatic Shutoff Nozzles for Hoses. The following water sources or uses are exempt from the restrictions of this section: (1) treated effluent; (2) gray water; (3) water harvested from precipitation; (4) water withdrawn under the authority of a poor quality groundwater withdrawal permit issued by the Arizona Department of Water Resources; (5) water released by the Town or a fire department during the inspection or flushing of a fire hydrant; (6) water released during the flushing or maintenance of wells, water lines, or water storage tanks by the Town or a water provider; (7) water used to extinguish a fire, abate a chemical release or water applied to abate a safety, health or accident hazard; (8) reject water from a water treatment system

or water treatment plant; and, (9) reject cooling water or bleed-off water from an evaporative cooler.

Section 17-7-12 Water Efficient or Recycling Car Wash Voluntary Certification

Effective January 1, 2010, the Town will provide certification for water efficient or recycling car washes that request such certification and meet the Town's requirements for a water-efficient or recycling car wash. Car washes that receive the Town's certification may post signs which advertise their certified status. It is the sole discretion of the Town whether or not to grant the certified status or to allow the posting of signs which advertise this status. Such signs must be approved by the Town before posting.

Section 17-7-13 Charity Car Washes

Automatic shutoff nozzles are required for hoses used for all charity car washes.

Section 17-7-14 Washing of Driveways and Sidewalks

The use of potable water to wash driveways and sidewalks is prohibited. Water applied to abate a safety, health, chemical or accident hazard is exempt from this section. If an alternative method of cleaning driveways or sidewalks results in a nuisance dust hazard, water may be used to remove dust from the driveway or sidewalk so long as the dust hazard persists.

Section 17-7-15 Water Leaks and Waste

Leaks of water from water lines, irrigation lines, irrigation devices, the misdirection of water from irrigation devices, or over watering on private property which causes water to flow onto a public right-of-way, sidewalk, driveway or adjacent property shall be promptly repaired or corrected by the owner. Repairs or correction shall occur within seven days after notification by the Town.

Section 17-7-16 Artificial or Synthetic Turf

Artificial or synthetic turf shall be allowed on all surfaces where turf can be used. No individual or association may impose private covenants, conditions, restrictions, deed clauses or other agreements between parties, which prevent individuals from utilizing artificial or synthetic turf as an alternative to any landscaping where turf can be used. However, the quality of the artificial or synthetic turf may be subject to the requirements of individuals or associations.

Section 17-7-17 No New Natural Turf in Public Right-of-Way or Median

A. No New Natural Turf in Public Right-of-Way or Median

No new natural turf shall be installed in a public right-of-way or median.

B. Exemptions to No New Natural Turf in Public Right-of-Way or Median

Any and all final landscape plans approved prior to the adoption of this ordinance, provided said approval has not lapsed. If the approval has lapsed, all plans shall meet the full intent and requirements of this section. Areas with up to 10,000 square feet of turf within a public right-of-way at gateways, entrances to major communities, or special landscaping designs approved by the Town's Community Development Department are also exempt from the restrictions of this section.

Section 17-7-18 Prohibition on Certain Landscape Covenants, Conditions and Restrictions

Individuals or associations are prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between parties, which prevent individuals from utilizing water efficient landscaping, provided such landscaping receives approval from the Town of Buckeye Community Development Department pursuant to the requirements of the Town Code. Landscaping designs may not be prohibited solely on the basis that the design makes use of water efficient landscaping.

Section 17-7-19 High Efficiency or Waterless Urinals

High efficiency (<0.5 gallons per flush) urinals or waterless urinals must be installed in all Town-owned buildings constructed after January 1, 2010.

Section 17-7-20 Metered Faucets

Self-closing metered faucets shall be installed in lavatories intended to serve the transient public, including those in, but not limited to, restaurants, bars, service stations, golf courses, and public buildings which are constructed after January 1, 2010. Such faucets shall not deliver more than 0.25 gallons (1.0 liters) of water per use.

Section 17-7-21 Construction Water Plan

The Town requests the assistance of developers and contractors to reduce the use of potable groundwater for construction water or dust control. If groundwater withdrawn under the authority of the Town's service area right will be used for construction water or dust control the developer or contractor must submit a brief written construction water plan describing: (a) the water source; (b) why other sources of water cannot be used; and, (c) steps proposed to use water efficiently and minimize waste. Written construction water plans must be submitted to the Water Resources Director. The plans need not exceed two pages in length. The purpose of the construction water plan is to identify the proposed source of construction water, to enable the developer and the

Town to work together to determine if a cost-effective alternative to the use of potable groundwater can be found.

If direct-use effluent (reclaimed or recycled water) or water from the irrigation districts/companies is not available to use for construction water or dust control the following sources of water are preferred (in ascending order of preference):

- Recovered effluent (most preferred);
- Direct delivery excess Central Arizona Project Water;
- Recovered Central Arizona Project Water;
- Groundwater of such poor quality (however; the water must be non-hazardous) that it cannot be economically treated for potable use;
- Groundwater withdrawn under a General Industrial Use permit issued by ADWR; and,
- Groundwater withdrawn under a Type 1 or 2 non-irrigation grandfathered right (least preferred).

Section 17-7-22 Restrictions During a Water Shortage

A. The Town Manager, upon recommendation from the Water Resources Director or authorization by the Town Council, may declare or rescind Water Conservation Levels during a water shortage.

During periods of reduced water supplies, the Water Resources Director will monitor the projected water supply and demand on a daily basis and advise the Town Manager. The Town Manager will declare the appropriate Water Conservation Level in a notice at the office of the Town Clerk, on the Town website, and in a local newspaper. Water conservation measures and water use restrictions shall take effect upon publication of the notice with the office of the Town Clerk and remain in effect until rescinded by the Town Manager.

The following Water Conservation Levels shall govern the use of water by water customers of the Town of Buckeye. The Water Conservation Levels will be categorized from Water Conservation Level One to Water Conservation Level Four, with Level Four being the most severe. The Water Conservation Levels and corresponding response are described below (alternative conservation levels and responses may be approved by the Town Council to meet the needs of individual developments or regions of Town).

B. Water Conservation Level One: Water Awareness. When water demand is equal to the safe water production capability Water Conservation Level One: Water Awareness shall be declared. The targeted water demand reduction percentage is 5%. Such a water conservation declaration may be system-wide or confined to a portion of the service area. Water users must reduce water used for irrigation, vehicle washing, and construction.

C. Water Conservation Level Two: Water Restrictions. When water demand exceeds the safe water production capability for three consecutive days (based on low storage tank levels or other factors considered by the Water Resources Director) Water Conservation Level Two: Water Restrictions shall be declared. The targeted water demand reduction percentage is 10%. Such a water conservation declaration may be system-wide or confined to a portion of the service area. In addition to the water use reduction described in paragraph B. above, the following restrictions are in effect:

- (1) Vehicles washing should be reduced and vehicles may only be washed at car washes that recycle the water or discharge to the sanitary sewer. No restrictions apply to vehicles which must be washed for public health or safety purposes;
- (2) No ornamental fountains may be used unless they are equipped with a recycling pump or they use a non-potable water source identified in subparagraph C(4) below;
- (3) Water may not be used from a fire hydrant except for emergencies or upon written approval from the Public Works Director or Fire Chief; and,
- (4) Odd-even day irrigation restrictions apply. Odd-numbered addresses may only irrigate on Tuesdays, Thursdays and Saturdays. Even-numbered addresses may only irrigate on Mondays, Wednesdays and Fridays. The following water sources or uses are exempt from this restriction: (a) treated effluent; (b) gray water; (c) water harvested from precipitation; (d) water withdrawn under the authority of a poor quality groundwater withdrawal permit issued by the Arizona Department of Water Resources; (e) reject water from a water treatment system or water treatment plant; (f) reject cooling water or bleed-off water from an evaporative cooler; (g) nursery stock, outdoor plants in moveable containers, and new or replacement landscaping (including grass seeds or sod) for the first 21 days after planting; and, (h) water supplied by Buckeye Irrigation Company, Roosevelt Irrigation District, Arlington Canal Company, other irrigation water used on agricultural crops, or agricultural irrigation tail water.

D. Water Conservation Level Three: Water Reductions. When water demand exceeds the safe water production capability for two consecutive weeks (based on low storage tank levels or other factors considered by the Water Resources Director) Water Conservation Level Three: Water Reductions shall be declared. The targeted water demand reduction percentage is 20%. Such a water conservation declaration may be system-wide or confined to a portion of the service area. In addition to the water use reduction described in paragraph C. above, the following restrictions are in effect:

- (1) Vehicles may only be washed for public health or safety purposes;
- (2) Swimming pools, spas or wading pools may not be refilled;

- (3) No ornamental fountains may be used unless they use a non-potable water source identified in subparagraph D(4) below; and,
- (4) Landscape may only be irrigated once per week. Odd-numbered addresses may only irrigate on Tuesdays. Even numbered addresses may only irrigate on Thursdays. The following water sources or uses are exempt from this restriction: (a) treated effluent; (b) gray water; (c) water harvested from precipitation; (d) water withdrawn under the authority of a poor quality groundwater withdrawal permit issued by the Arizona Department of Water Resources; (e) reject water from a water treatment system or water treatment plant; and, (f) reject cooling water or bleed-off water from an evaporative cooler; (g) nursery stock, outdoor plants in moveable containers, and new or replacement landscaping (including grass seeds or sod) for the first 21 days after planting; and, (h) water supplied by Buckeye Irrigation Company, Roosevelt Irrigation District, Arlington Canal Company, other irrigation water used on agricultural crops, or agricultural irrigation tail water.

E. Water Conservation Level Four: Water Curtailments. The Town Manager may declare Water Conservation Level Four: Water Curtailments when any of the following conditions occur: (1) water demand exceeds the water production capability by 30% for two consecutive days; (2) the water reduction steps of Water Conservation Level Three are insufficient to reduce the water demands below the water production capability; or, (3) catastrophic water supply infrastructure failure occurs. The targeted water demand reduction percentage is 40%. Such a water conservation declaration may be system-wide or confined to a portion of the service area.

In addition to the water use reduction described in paragraph D above, the following restrictions are in effect:

- (a) Potable water may not be used for construction, dust control, or street sweeping; and,
- (b) Landscape may not be irrigated. The following water sources or uses are exempt from this restriction: (1) treated effluent; (2) gray water; (3) water harvested from precipitation; (4) water withdrawn under the authority of a poor quality groundwater withdrawal permit issued by the Arizona Department of Water Resources; (5) reject water from a water treatment system or water treatment plant; (6) reject cooling water or bleed-off water from an evaporative cooler; (7) nursery stock, outdoor plants in moveable containers, and new or replacement landscaping (including grass seed or sod) for the first 21 days after planting; and, (8) water supplied by Buckeye Irrigation Company, Roosevelt Irrigation District, Arlington Canal Company, other irrigation water used on agricultural crops, or agricultural irrigation tail water.
- (c) The Town of Buckeye Water Resources Director or his or her designee shall have the right to temporarily turn off the water source to landscaping common

areas which continue to be irrigated with potable water. The water source shall be turned on after Water Conservation Level Four is rescinded.

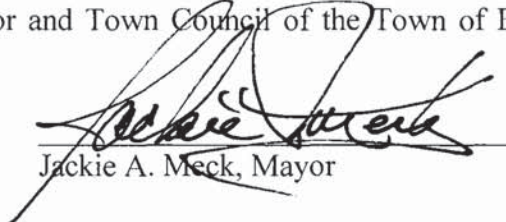
Section 17-7-23 Water Conservation Rebate Programs

- (A) The Water Resources Director may issue conservation rebates.
- (B) To qualify for a rebate the applicant must satisfy the following requirements:
 - (1) The property must receive water service from the Town of Buckeye.
 - (2) The applicant must be responsible for payment of the water bill.
 - (3) The customer must schedule an inspection by the Town before and after the water saving device or low water use landscaping is installed.
 - (4) A proof of purchase receipt dated on or after January 1, 2010 must be presented to the Town.
 - (5) The water saving device must be from the Town list of approved models.
 - (6) If new xeriscape landscaping is installed to replace turf or high water use landscaping, the credit cannot be approved until a properly operating drip irrigation system is installed to water the new xeriscape.
 - (7) The rebate programs available, additional details, requirements, and a rebate application form will be posted on the Town's Water Conservation web page.
 - (8) With the exception of a high efficiency clothes washer, the water saving device must remain with the property, even if the customer moves.
 - (9) The Community Development Department will waive the permit fee, or reimburse the permit fee upon proper installation, of a new toilet or hot water recirculator with an approved rebate application.
 - (10) It shall be the sole discretion of the Water Resources Director to approve or deny an application for a rebate.
- (C) All rebates will be paid in the form of a credit applied to the customer's water bill. The total dollar amount of rebates either credited or paid in any fiscal year shall not exceed the maximum amount of funds budgeted for such rebates. If a customer moves before the credit is fully reimbursed a check for the remaining balance will be sent to the customer.

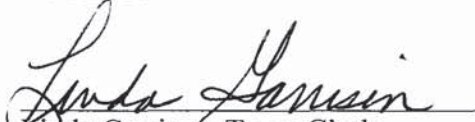
Section 2. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 3. Repeal of conflicting ordinances. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

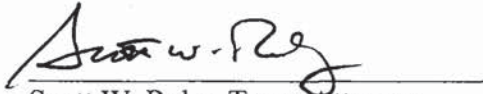
PASSED AND ADOPTED by the Mayor and Town Council of the Town of Buckeye, Arizona, this 2nd day of June, 2009.


Jackie A. Meck, Mayor

ATTEST:


Linda Garrison, Town Clerk

APPROVED AS TO FORM:


Scott W. Ruby, Town Attorney