

Colvin, Judith

From: mweo-bounces@water.ca.gov on behalf of London Lacy [London.Lacy@surpriseaz.com]
Sent: Monday, March 03, 2008 12:16 PM
To: mweo@water.ca.gov
Subject: [MWEO] water conservation ordinance
Attachments: Water Conservation Ordinance #07-03.pdf

Please consider what our city has done as part of a water conservation ordinance. To be more specific, I am referring to article II on synthetic turf. I hope you get to take a look at the ordinance I have attached, it is our cities first water conservation ordinance, and it passed in August, 2007. I am eager to see the standards you are working on.

Thanks,

London Lacy

Water Conservation Analyst,

City of Surprise,
12425 W. Bell Road, Ste D-100
Surprise, AZ 85374
PH: 623-222-7023
FX: 623-222-7001
www.surpriseaz.com

ORDINANCE #07-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE SURPRISE MUNICIPAL CODE BY ADDING CHAPTER 13.16. WATER CONSERVATION.

WHEREAS, City Council recognizes that improved efficiency and increased measures to adopt a conservation lifestyle are ways to meet future water needs of Surprise citizens; and

WHEREAS, City Council recognizes that the amount of water available to the city and its residents is limited, can be subject to drought conditions, and needs to be used efficiently; and

WHEREAS, City Council desires to adopt a comprehensive water conservation ordinance within the municipal code to address unnecessary water waste; and

WHEREAS, City Council desires to educate Residential, Industrial and Commercial decision makers and citizens about the importance of water conservation; and

WHEREAS, City Council believes this water conservation ordinance to be an important part of a regional and concerted effort to promote reasonable and responsible water use within the City; and

WHEREAS, City Council believes that appropriate regulation of outdoor irrigation will result in water conservation; and that a water waste ordinance reinforces the message that it is unethical as well as unlawful to waste water in Surprise; and

WHEREAS, City Council provides for exemptions to the restrictions; and

WHEREAS, as the City grows and policies change, the Mayor and Council find it necessary to amend and update the Surprise Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise, as follows:

ARTICLE I. GENERAL PROVISIONS

Section 1. The Surprise Municipal Code is hereby amended by adding Chapter 13.16 to Title 13 as follows:

CHAPTER 13.16. WATER CONSERVATION

ARTICLE I GENERAL PROVISIONS

- 13.16.100 Title of Provisions.
- 13.16.110 Purpose.
- 13.16.120 General water usage regulations.
- 13.16.130 Water conservation compliance.
- 13.16.140 Definitions.

ARTICLE II PROHIBITION ON COVENANTS, CONDITIONS AND RESTRICTIONS

- 13.16.200 Prohibition on certain covenants, conditions and restrictions.
- 13.16.210 Artificial or Synthetic Turf.

ARTICLE III LIMITATIONS ON NEW WATER FEATURES

- 13.16.300 Limitations on new water features or fountains.
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ARTICLE IV MODEL HOMES

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- 13.16.410 Model Homes.

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- 13.16.510 Intent.
- 13.16.520 Definitions.
- 13.16.530 Wasting water defined, prohibited.
- 13.16.540 Causes of wasting water.
- 13.16.550 Irrigation waters.
- 13.16.560 Automatic shut-off nozzles.
- 13.16.570 Leakage, escape of water prohibited.

ARTICLE VI EMERGENCY WATER CONSERVATION

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- 13.16.610 Declaration of policy.
- 13.16.620 Application.
- 13.16.630 Declaration of water emergency authorized.
- 13.16.640 Implementation, termination.
- 13.16.650 Mandatory emergency water conservation measures.
- 13.16.660 Variances.
- 13.16.670 Definitions.

ARTICLE VII ADMINISTRATIVE

- 13.16.700 Authority to permit exceptions.
- 13.16.710 Exemptions.
- 13.16.720 Correct or Repair Sprinklers, Plumbing, or Irrigation.
- 13.16.730 Violations.
- 13.16.740 Civil and Criminal Penalties.

ARTICLE I GENERAL PROVISIONS

13.16.100 Title of provisions. This chapter shall be known and may be cited as the "Water Conservation Ordinance."

13.16.110 Purpose. The purpose of this chapter is to highlight the importance of water conservation and to promote the responsible use of water within the City through reasonable regulations. Furthermore, to establish a structure for maintaining water efficient landscapes in new developments and establish provisions for water management practices and water waste prevention for established landscapes.

13.16.120 General water usage regulations. No person(s) who are residents of Surprise shall make, cause, use or permit the use of such water in the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to the provisions of this chapter, whether or not such person is an account holder of city water system or resident of the City of Surprise.

13.16.130 Water conservation compliance. No person, firm, corporation, water association, or government facility or operation in the city of Surprise shall make, cause, use or permit the use of water in the City for residential, commercial, industrial, agricultural, governmental, in a manner contrary to provisions of this chapter. All users of domestic wells and users of irrigation water shall be held to the requirements of this chapter.

13.16.140 Definitions. For purposes of this chapter, the following term(s) shall have the meaning given herein:

"Active Management Area" (AMA), one of five management plans for the areas of the state designated as having groundwater withdrawal activity.

"Active recreational area" means turfed area designated for common use.

"Arizona Department of Water Resources" (ADWR), is the state regulatory agent that addresses the Groundwater Code of 1980, which requires the issue of management plans for water programs in Arizona.

"Artificial Turf" means any type of non-living, synthetic grass alternative to living turf.

"Bubblers" means irrigation heads which deliver water directly to the soil adjacent to the heads.

"Common area" means areas in a new development designated for common use.

"Development" includes residential subdivisions and non-residential facilities and projects.

"Drip Irrigation" means low pressure, low volume irrigation applied slowly, near or at ground level to minimize runoff and loss to evaporation.

"Drought" means drought occurs when there is insufficient precipitation, or infrastructure failure, combined with other environmental factors that cause an increase of overall water usage where there is limited supply.

"Efficient irrigation system" means a system that delivers water in sufficient supply to meet the plants' water consumption requirements, directly to the plant material without causing loss of water due to surface runoff, excessive infiltration, or evaporation.

"Escaped Water" means the pumping flow, release, escape, or leakage of any water from any pipe, valve, faucet, connection, diversion, well, or any facility for the purposes of water supply, transport, storage, disposal, recreational, cleaning process or delivery onto adjacent property or the public right-of-way.

"Hand Watering" means the application of water for irrigation purposes through a hand-held hose, including hoses moved into position by hand and left to flow freely or through a shut-off nozzle.

"Infiltration rate" means the amount of water absorbed by the soil per unit of time, usually expressed in inches per hour.

"Mister" means a device that produces a cooling effect by emitting fine particles of water into the air in the form of a mist.

"New development" shall mean a development that receives Planning and Zoning approval. . "New development" does not include a parcel that is included within the boundaries of a development that received Planning and Zoning approval prior to the passing of this ordinance, if (1) such parcel is subsequently rezoned to a different base zoning district, (2) such parcel constitutes 20% or less of the land area of the originally approved development, and (3) the director of water services determines in writing that the rezoning and subsequent use of such parcel will not result in a net increase in the quantity of water to be used on the parcel over the quantity of water that would have been used under the zoning originally approved.

"Landscapable area" means common areas in a new development capable of being landscaped, but does not include active recreational areas.

"Lawn overseeding" means the planting of winter grass on an established turf area.

"Low-water use landscaping" means plants listed in the phoenix active management area's third management plan low-water use plant list or any modification to said list.

"Public Right-of-way" means the area of land acquired or obtained by the city, county, or state primarily for the use of the public for the movement of people, goods, vehicles, or storm water. For the purposes of this article, the public right-of-way shall include sidewalks, curbs, streets, and storm water drainage inlets.

"Reclaimed water" means water that has received treatment in a facility that is regulated pursuant to Title 49, Chapter 2 of the Arizona Revised Statutes, and has not legally acquired the characteristics of groundwater or surface water.

"Runoff" means water which is not absorbed by the soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. This article does not apply to storm water runoff which is created by natural precipitation rather than human-caused or applied water use.

"Service Area" means all parts of the City of Surprise that are served or may be served water in the City.

"Shut-off Nozzle" means a device attached to end of hose that completely shuts off the flow when it is left unattended.

"Spray Irrigation" means the application of water to landscaping by means of a device that projects water through the air in the form of small particles or droplets.

"Third Management Plan" (TMP), the safe-yield management goal to be reached by Phoenix, Prescott, and Tucson by the year 2025.

"Turf" means a surface layer of earth containing regularly mowed grass, with its roots. Turf includes but is not limited to annual and perennial rye grass, fescue, all types of bermuda, and zoysia.

"Turf-related facility" means a school, park, cemetery, golf course, industrial park or common area of a housing development that applies water from any source, including reclaimed water, to ten or more acres of water-intensive landscaped area.

"Valve" means a device used to control the flow of water in the irrigation system.

"Water Waste" means the non-beneficial use of water. Non-beneficial uses include but are not restricted to:

(1) Landscape water applied in such a manner, rate and /or quantity that it overflows the landscaped area being watered and runs onto adjacent property or public right-of-way;

(2) Landscape water which leaves a sprinkler, sprinkler system, or other application device in such a manner or direction as to spray onto adjacent property or public right-of-way;

(3) Washing of vehicles, equipment, or hard surfaces such as parking lots, aprons, pads, driveways, or other surfaced areas when water is applied in sufficient quantity to flow from that surface onto adjacent property or public right-of-way;

(4) Water applied in sufficient quantity to cause ponding on impervious surfaces;

"Unnecessary Waste of Water" means to permit water to escape from any private property onto a street, sidewalk, gutter, alley, public utility easement, parking area, or another person's property. Water is not wasted if any of the following apply:

(1) The flow of water results from water supply system failures or malfunctions that are fixed within 72 hours of the date of notice of such failure or malfunction.

(2) The flow results from firefighting, inspection of fire hydrants by the fire department or from fire training activities.

(3) The flow is from water applied as a dust control measure as may be required by law.

(4) The flow is from water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology.

(5) The flow is from water applied to prevent or suppress health, safety, or accident hazards when alternate methods are not available.

(6) The flow results from inspection, operation or maintenance of the City water supply system.

(7) The flow results from inspection or maintenance of irrigation systems.

(8) The flow results from water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists.

(9) The flow results from maintenance of a swimming pool.

"Water feature" means ponds, fountains, streams, waterfalls, swimming pools, artificial lakes, and other artificial water structures.

"Water-intensive landscaped area" means:

(1) Any area of land that is watered with a permanent water application system and landscaped primarily with water-intensive landscaping.

"Water-intensive landscaping" means:

(1) Any plants not listed in the most recent low-water use plant list approved by the Arizona Department of Water Resources pursuant to the active management area (AMA), plan then in effect, including turf.

(2) The total surface area of all bodies of water filled or refilled with water from any source, including reclaimed water, that are an integral part of the landscaped area, but not including bodies of water used primarily for swimming purposes.

Article II Prohibition on Certain Covenants, Conditions and Restrictions.

This article does not prohibit water-intensive landscaping but allows home owners to install the landscaping of their choice.

13.16.200 Prohibition on certain Covenants, Conditions and Restrictions. Any person(s) or association(s) are prohibited from imposing private covenants, conditions,

restrictions, deed clauses or other agreements between the parties, which prevents person(s) from utilizing water-efficient landscaping provided such landscaping receives appropriate architectural-review approval. Landscaping designs may not be prohibited solely on the basis that such design makes use of water-efficient landscaping.

13.16.210 Artificial or Synthetic Turf.

Any person(s) or association(s) is prohibited from imposing private covenants, conditions, restrictions, deed clauses or other agreements between the parties, which prevents person(s) from utilizing artificial or synthetic turf as an alternative to any landscape.

Artificial or synthetic turf shall be allowed on all surfaces where landscape can be applied.

Article III Limitations on New Water Features

13.16.300 Limitations on new water features or fountains. (A) No person shall place into operation any fountain that either sprays water into the air in a fine mist of sprays or drops water into the air in excess of six (6) feet in vertical height.

(B) Water features shall comply with the following requirements:

(1) A Site Improvement Permit to install, erect or construct the water feature shall be obtained from the City's Community Development Department. Such permit shall only be issued if the water features complies with the requirements of this section.

(2) The water feature shall be designed with catch basins that will maximize the amount of water recycled and minimize make-up water. Outdoor water features shall minimize over- spray and shall be equipped with wind shut-off valves where over-spray is a potential.

(3) Entrance water features placed to be seen primarily from moving vehicles are discouraged.

(4) The water feature shall reuse filtered backwash in a manner beneficial to surrounding plant material and landscaped areas. Discharge of water into the streets, alleyways, and the City's sanitary sewer system is prohibited.

(5) The water feature shall be operational only during normal business hours and shall be equipped with an automatic timer and a re-circulating pump.

(6) The installation of any spray-type fountains within the city of Surprise, or on property serviced by the city of Surprise, is hereby prohibited unless waived by the City Manager or designee.

(7) Any fountain using more than 1000 gallons of water per day shall be separately metered.

(8) Water features that reduce evaporation, such as cascading rather than vertical spray are recommended. Water features should be designed using equipment and materials which would minimize leakage throughout the life of the water feature.

(9) Fountains and other water features shall be:

(a) Sited to allow significant environmental enhancement to on-site users and used to cool surrounding area and mask objectionable noises. Allowable examples: courtyards and restaurant seating areas.

13.16.310 Exclusions.

(A) Any system that injects or drops water into the air solely for the purpose of cooling a confined air space.

(B) Water parks or recreational water features as a quality of life feature within the design of a community recreational center

ARTICLE IV MODEL HOMES

13.16.400 Planning and design guidelines.

The Planning and Design Guidelines Manual, which was made a public record by Resolution No. 02—144 and further amended by Resolution No. 05—11, is hereby adopted by the city, and is incorporated in this section by reference as though it had been fully and completely set forth in this section. The purpose of the Planning and Design Guidelines Manual is to foster development that will enhance the city's overall physical image, identify value and appearance, and achieve the integration of well planned and designed projects into an overall development pattern that supports community goals for a more sustainable and livable community.

13.16.410 Model homes. (A) The combined water-intensive landscaping and water features of model homes in new single-family developments shall not exceed twenty (20%) percent of the landscapable area.

(B) Landscaping shall be located only where it is functionally useful, such as in play areas or close to the house for energy efficiency.

(C) All other plant material shall be low-water use plants listed in the most recent low-water use plant list approved by the Arizona Department of Water Resources pursuant to the Phoenix Active Management Area (AMA) management plan then in effect.

(D) All irrigation systems must be efficient irrigation systems.

(E) Developers of new developments shall provide at the model homesite and to homebuyers an information package on low-water use landscaping from the city's water services department. In addition, model homes shall have landscaping and irrigation plans approved by the Community Development department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.

(F) At least one model home shall be shown as an example of a water efficient landscape.

(G) Signs shall be used to identify the model as an example of a water efficient landscape.

(H) Public education information shall be provided by the Water Conservation Office about the efficient use of landscape water to all persons requesting such information.

ARTICLE V. UNNECESSARY WATER WASTE

13.16.500 Purpose. This article is not intended to regulate or prevent the beneficial use of water on property within the city service area. It is intended to prevent and discourage the unnecessary waste of water within the city.

13.16.510 Intent. To reduce water waste; i.e. over watering, inefficient watering, or release of water which generates fugitive water in the public right of way or adjacent property. To reduce damage to publicly owned streets and the public expenditures necessary to repair the damage caused by the wasted water.

13.16.530 Unnecessary wasting water defined, prohibited. No person, firm, corporation, municipal facility, or operation, which is a resident or is served by the city of Surprise, shall cause or permit to occur, any unnecessary water waste.

(1) Water is being unnecessarily wasted if it is not beneficially used and it is determined by the City that the unnecessary waste of water specifically includes but is not limited to the following:

(a) Water running off a landscaped area to another area where it is not beneficially used such as to a street, sidewalk, gutter, alley, public utility easement, parking area paved or unpaved, or adjacent private property;

(b) To cause, permit or allow water to leak from any exterior pipe, hose or any plumbing fixture;

(c) Turf shall not be permitted in areas difficult to irrigate, such as sidewalk strips, slopes, driveways, or narrow pathways as to cause sprinkler to spray on impervious materials;

(d) Washing vehicles in a driveway in a manner that uses excess water beyond that reasonably necessary for washing and rinsing;

(e) The hosing down of driveways, sidewalks, and other landscape should be limited and accomplished in a way that the water will run off into other landscaped areas, but, in no event, in a manner that uses excess water beyond that reasonably necessary for washing and rinsing; or

(f) Any use of water in excess of that reasonably necessary to accomplish the intended task.

13.16.540 Causes of unnecessary wasted water. (1) Damaged or missing spray heads;

(2) Damaged or missing bubbler heads;

(3) Damaged or missing drip irrigation lines;

(4) Damaged or missing water control devices (e.g. backflow prevention devices or water meters);

(5) Failure to properly maintain berms, laterals and pipes for irrigation;

(6) Failure to properly maintain automatic timing systems on landscape watering.

13.16.550 Irrigation waters. Unnecessary water waste examples include:

(1) Irrigating property in a manner which results in the overflow of irrigation waters;

(2) Willfully or negligently failing to accept irrigation water after it has been ordered;

(3) Willfully or negligently permit or cause the escape of flow of irrigation water in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to traffic, or cause damage to city rights-of-way; and

(4) Failure or neglect to properly operate or maintain any irrigation structure or device, delivery ditch, or waste ditch.

13.16.560 Automatic shut-off nozzles. Automatic shut-off nozzles are required for all hoses used for hand watering, car washing or other outdoor uses. No person shall use a water hose to wash any automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment unless the hose is equipped with a shut off nozzle that completely shuts off the flow of water.

13.16.570 Leakage, Escaped Water prohibited. It is hereby prohibited for anyone to permit the excess use, loss or escape of water through breaks, leaks or malfunction in the water users' plumbing or distribution facilities for any period of time after such escape of water should have reasonably been discovered and corrected.

ARTICLE VI EMERGENCY WATER CONSERVATION

13.16.600 Purpose. This article establishes a city emergency water conservation response plan.

13.16.610 Declaration of policy. It is hereby declared, that because of varying conditions related to water resource supply and distribution capabilities, it is necessary to establish and to enforce methods and procedures to ensure that, in time of emergency shortage of the local water supply, the water resources available to the city are put to the maximum beneficial use, that the unreasonable use, or unnecessary water waste is prevented, and that conservation of water is accomplished in the interests of the residents of the city and for the public health, safety, and welfare.

13.16.620 Application. (a) This article applies to all departments of the city, and to all city residents who own, occupy, or control water use on any premises as defined in chapter 13.16.120.

(b) No person(s) who are residents of Surprise shall make, cause, use or permit the use of such water in the City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to the provisions of this chapter, whether or not such person is an account holder of city water system or resident of the City of Surprise.

(c) Mandatory emergency conservation measures shall be implemented based upon the declaration of an emergency pursuant to chapter 13.16.620.

13.16.630 Declaration of water emergency authorized. The City Manager, or his or her designee, upon the recommendation of the director of the city water department is hereby authorized to declare a water emergency and to implement mandatory water conservation measures as set forth in this article.

13.16.640 Implementation, termination. (a) The director of the water department shall develop guidelines which set forth general criteria to assist the City Manager or his or her designee, in determining when to declare a water emergency. Upon declaration of a water emergency, the city manager shall report in writing to the mayor and council providing the reasons for and expected duration of such emergency and describing implementation of emergency water conservation measures.

(b) Upon cessation of the condition or conditions giving rise to the water emergency or upon majority vote of the City Manager shall declare the water emergency terminated. Upon such termination, the mandatory conservation measures shall no longer be in effect.

13.16.650 Mandatory emergency water conservation measures. Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential uses shall be enforced:

(1) All outdoor irrigation, except for those areas irrigated with reclaimed water, is prohibited. If the City Manager deems it appropriate, a schedule designating certain outdoor watering days may be implemented in place of the irrigation ban.

(2) Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.

(3) The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.

(4) Operation of water cooled space and equipment cooling systems below an operating efficiency level of two cycles of concentration is prohibited.

(5) Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.

(6) Operation of outdoor misting systems used to cool public places is prohibited.

(7) The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.

(8) The washing of automobiles, trucks, trailers and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety and welfare.

13.16.660 Variances. The City Manager, or his or her designee, is authorized to review hardship cases and special cases within which strict application of this chapter would result in serious hardship to a resident. 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 water services department.

13.16.670 Definitions. Department means the city water department.
Director means director of the city water services department.
Economic hardship means a threat to an individual's or business' primary source of income.

Notification to the public means notification through local media, including interviews and issuance of news releases.

Outdoor watering day means a specific day, as described in a specific outdoor watering plan, during which irrigation with sprinkler systems or otherwise may take place.

ARTICLE VII ADMINISTRATIVE

13.16.700 Authority to permit exceptions. The City Manager or Water Services Director or designee shall have the authority to permit exceptions to the requirements in this Section in any case that an exception is necessary to maintain adequate health and sanitation standards.

13.16.710 Exemptions. "Unnecessary waste of water" means to permit water to escape from any private property onto a street, sidewalk, gutter, alley, public utility easement, parking area, or another person's property.

Water *is not* considered and unnecessary waste of water if any of the following apply:

(1) The flow of water results from water supply system failures or malfunctions that are fixed within 72 hours of the date of notice of such failure or malfunction.

(2) The flow results from firefighting, inspection of fire hydrants by the fire department or from fire training activities.

(3) The flow is from water applied as a dust control measure as may be required by law.

(4) The flow is from water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology.

(5) The flow is from water applied to prevent or suppress health, safety, or accident hazards when alternate methods are not available.

(6) The flow results from inspection, operation or maintenance of the city water supply system.

(7) The flow results from inspection or routine maintenance of irrigation systems.

(8) The flow results from water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists.

(9) The flow results from maintenance of a swimming pool, fountain or spa.

13.16.720 Correct or Repair of Plumbing, Sprinkler and Irrigation Systems. Repair of Plumbing, Sprinkler and Irrigation System: Any owner, manager, or person responsible for the day-to-day operation of any premises shall within seventy-two (72) hours after such person first learns of such leaks, breaks, or defects, initiate steps to repair any leaking broken or defective water pipes, faucets, plumbing fixtures, other water service appliances, sprinklers, watering or irrigation systems, or distribution systems which cause or may cause water waste and shall thereafter diligently and promptly pursue such repair work to completion, unless a variance is obtained from the city.

For indoor and outdoor unnecessary water waste incidents caused by a faulty system, which are integral to the operation of the facility, the water waste must be corrected within seven (7) calendar days of the issuance of warning notice or up to thirty-(30) days depending on the circumstance and approval of the Water Services Department. Proof of the repair shall be submitted to the Water Services Department upon completion.

13.16.730 Violations. A. If any person fails or refuses to comply with this chapter, the Water Services Director or designee shall provide that person with written notice of

the violation and an opportunity to correct the noncompliance. The written notice requirements are outlined in the City's water conservation plan.

B. Violations of this Chapter may be enforced by:

- a. An injunction to prevent a violation of this chapter.
- b. Recovery for expenses incurred by the city in responding to a violation of this chapter;
- c. A civil or criminal fine for violations of the water conservation ordinance.
- d. All other damages, costs, remedies and legal processes to which the city may be entitled.

C.. Penalties and Enforcements. Assessment of fees for violations of the provisions of Sections 13.16.630 through 13.16.650 of this chapter will be as specified in the City's water conservation plan D. Enforcement may include issuance of civil or criminal citations and other such actions, as the City deems necessary to bring the user into compliance.

13.16.740 Civil and Criminal Penalties

1. Any authorized employee of the City may issue a civil citation to any person who has violated, or continues to violate, any provision of this chapter or any related laws or regulations.

2. Any person that intentionally or negligently violates or continues to violate any provision of this chapter shall be guilty of a class one misdemeanor.

3. Intentional violations may constitute criminal violations of state and local laws, and that under such circumstances the City may seek the assistance of the state, and local legal authorities to commence criminal action against any person who violates any requirement of this chapter.

4. Permit Revocation: In addition to, or in lieu of, all other available penalties, the City may revoke, modify, or withhold any permit, approval or license to construct improvements to real property or operate a business in the City if the holder of such permit, approval, or license is in violation of any requirement of this chapter.

5. Orders of Consent: The City may enter into an order of consent, assurances of voluntary compliance, negotiated settlement agreements, or other similar documents establishing an agreement with any person responsible for non-compliance. Such documents shall be judicially enforceable.

6. Liability for Costs Incurred by the City: Any person in violation of this article may be assessed liability for the costs incurred by the City in surveillance, documentation and enforcement. Additionally, the City may assess liability of the costs

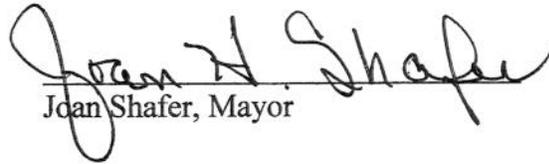
to any person whose water waste discharge resulted in a violation of any storm water permit issued to the City.

Section 2. That if any provision or any portion of any provision of this Ordinance is for any reason held to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such provision or portion thereof shall be deemed separate, distinct and independent of the remaining provisions of this Ordinance and shall be severed without affecting the validity of the remaining portions of this Ordinance.

Section 3. This ordinance shall be codified.

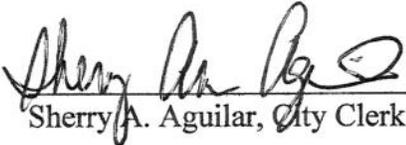
Section 4. The effective date of this Ordinance shall be July 28, 2007.

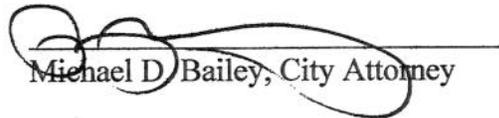
PASSED this 26 day of July, 2007.


Joan Shafer, Mayor

ATTEST:

APPROVED AS TO FORM:


Sherry A. Aguilar, City Clerk


Michael D. Bailey, City Attorney

Yeas: Mayor Shafer, Vice Mayor Sullivan, Council Members; Arismendez, Bails, Foro and Johnson. (Absent-Longabaugh)

Nays: _____

#15



CITY OF SURPRISE
Main Agenda

July 26, 2007 @ 6:00:00 PM

← Back Print

Council Meeting Date:	July 26, 2007	Contact Person:	Rich Williams, Sr., Water Services
Submitting Department:	City Clerk	District:	Citywide
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Reconsideration and action on Ordinance No. 07-03; An Ordinance of the Mayor and Council of Surprise, Arizona, amending the Surprise Municipal Code by adding Chapter 13.16 Water Conservation. (Final Reading).

Motion:

I move to approve the final reading of Ordinance #07-03.

Background:

In this semi-arid climate where water is a precious resource, our water should not be wasted. Year-round water conservation practices will help maximize the community's existing and planned water supply sources and help reduce seasonal peak-day demands that result in the need for costly expansion of water treatment, storage and transmission facilities. Such year-round practices shall include:

- Allowing residents to select synthetic or artificial grass in place of turf for front yard landscaping options.
- Water features will be limited in vertical spray height and must recycle the water.
- Model Homes in new developments must showcase water conservation principles in both the interior and exterior of the home.
- Model Homes must showcase Xeriscape design principles as a landscape alternative to turf.
- The city water conservation department will create educational opportunities in the way of classes and literature to effectively control water use on properties, with the goal of eliminating water being wasted.
- The Emergency Water Conservation ordinance is designed to ensure that the health and

safety needs of the community are met during times of a water emergency.

The Mayor and or City council may find it necessary to amend and update the Surprise Municipal Code from time to time.

Financial Impact Statement:

Although there is no direct fiscal impact associated with this action item, the approval of this ordinance will guide activities of the City that could have long term financial implications for residents, developers and the City.

ATTACHMENTS:

Click to download

[Water Conservation Ordinance_Revised](#)

Meeting Requirements:

Powerpoint x Video White Board Other x

Presentation Speaker Names (spelling and titles for TV captions):

Christine Nunez

City Clerk's Office Only:

Council Action:
Motion/Second

Results:

Shafer	_____	For	<u>6</u>	
Longabaugh	_____	Against	<u>0</u>	
Bails	<u>M</u>	Passed	<u>X</u>	Final Reading
Sullivan	<u>S</u>	Failed	_____	
Arismendez	_____	Continue	_____	
Johnson	_____	Tabled	_____	
Foro	_____	Absent	<u>1</u>	(JL)