

**RESOLUTION NUMBER 13-017**

**A RESOLUTION OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA, ADOPTING ORDINANCE NUMBER 13-006, ADDING SECTION 13.20.070 – WATER CONSERVATION POLICY, AMENDING TITLE 13, PUBLIC SERVICES, CHAPTER 13.20 MUNICIPAL WATER SYSTEM, OF THE CITY OF SAFFORD MUNICIPAL CODE, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.**

**WHEREAS**, it is the intention of the City of Safford to amend Title 13, Public Services, Chapter 13.20, Municipal Water System of the City of Safford Municipal Code by adding Section 13.20.070, implementing Water Conservation Policy; and,

**WHEREAS**, *Arizona Revised Statute §9-802* permits the enactment and publication by reference of a code or public record, including statute, rule or regulation of the municipality, in the interest of economy; and,

**WHEREAS**, adding Section 13.20.070, Water Conservation Policy, of the *City of Safford Municipal Code* is a lengthy recodification of prior ordinances and resolutions enacted by the City, together with additions and amendments, to be adopted by Ordinance Number 13-006, and would qualify for enactment by reference by law; and,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and City Council of the City of Safford, Graham County, Arizona, that **Title 13 Public Services**, of the *City of Safford Municipal Code*, be amended as shown in the attached hereto and incorporated herein by reference, to be a public record pursuant to *Arizona Revised Statute §9-802*, to be enacted by **Ordinance Number 13-006** and that three (3) copies of the ordinance, together with the amendments or additions which are adopted, be permanently filed in the office of the City Clerk and available for public inspection.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL** of the City of Safford this 10<sup>th</sup> day of June, 2013.

APPROVED:

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Wyn "Chris" Gibbs, Mayor  
City of Safford

Resolution Number 13-017  
Adopted: June 10, 2013

ATTEST:

APPROVED AS TO FORM:

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Georgia Luster, MMC  
City Clerk

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William J. Sims, III  
Interim City Attorney

CERTIFICATION

STATE OF ARIZONA            )  
  )  ss  
County of Graham            )

I HEREBY CERTIFY, that the foregoing Resolution Number 13-017 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a regular council meeting held June 10, 2013. A quorum of the Council was present at the meeting.

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Georgia Luster, MMC  
City Clerk

\_\_\_\_\_  
Date:

TITLE 13: PUBLIC SERVICES  
Chapter 13.20 Municipal Water System  
Section: 13.20.070 Water Conservation Policy

**Chapter 13.20 - MUNICIPAL WATER SYSTEM**

**Sections:**

- 13.20.010 - Designation of municipal water system.
- 13.20.020 - Installation charges.
- 13.20.030 - Water main service requirements.
- 13.20.040 - Water service connection charges.
- 13.20.050 - Restriction and termination.
- 13.20.060 - Fire regulations.
- ~~13.20.070 – Regulation and limitations on use of water.~~
- 13.20.070 – Water Conservation Policy

**~~13.20.070 – Regulation and limitations on use of water.~~**

~~The director of the water system shall have full power and authority to regulate and limit the use of water for sprinkling of lawns and grounds. The director may divide the area served by the water system into zones, and by written notice to the affected water users, prescribe the hours and days during which water may be used for sprinkling grounds in each zone, and number and size of valves, faucets, hydrants or hoses which may be used therefor during the prescribed time, in which event it is unlawful for any water user to sprinkle grounds with water purchased under the provisions of this chapter at any time and in any manner other than the time and manner prescribed as aforesaid.~~

**13.20.070 – Declaration of Water Conservation Policy:**

The Purpose and Intent is to conserve the available water supply and protect the integrity of the City of Safford water supply facilities, with particular regard for domestic water use, sanitation, and fire protection. To protect, preserve public health, welfare and safety. Identify water supply needs and recommend water management and conservation practices to extend current water supplies during short and long term emergency situations. To minimize the adverse impacts of water supply shortage or other water supply emergency conditions. Water uses, regulated or prohibited, under this Policy are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties pursuant to Section 13.20.087.

**13.20.071 - Water Conservation Compliance.**

It shall be unlawful for any customer of the City of Safford Water Department to knowingly make, cause, use, or permit the use of water from the City for residential, commercial,

industrial, agricultural, or any other purpose in a manner contrary to the provisions of this Chapter. The provisions of this Policy shall apply to all persons, customers, and property utilizing water provided by the City of Safford. The terms, “person” and “customer” as used in the Policy include individuals, corporations, partnerships, associations, governments and other legal entities.

**13.20.072 – Authorization.**

The City Council upon the recommendation of the Utilities Director is hereby authorized to declare, or rescind, or implement the applicable provisions of this Policy upon determination that such implementation is necessary to protect public health, safety and welfare.

**13.20.073– Public Notice.**

The City of Safford will publish appropriate demand stage alert following action by the City Council. Posting will be provided in the local newspaper, on the City’s website, Safford City Hall, Safford Library, and Safford, Thatcher, Solomon and Central Post Offices, the Town of Thatcher Town Hall and the Graham County General Services Building. Public outreach to public schools, Civic Groups, and other adult and child groups will be provided. Business Services shall distribute conservation notices in water bill mailing, and provide them to the general public at the Utility’s Customer Service Office.

**13.20.074 – Definitions.**

The following terms shall have the following meanings for purposes of this Chapter.

*Water Department:* The City of Safford Water Utility Department.

*Allowed Days:* Days on which outside irrigation may be done.

*Aesthetic Water Use:* water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

*Commercial and Institutional Water Use:* water use that is integral to the operation of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, agricultural and office buildings.

*Conservation:* those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

*Customer:* any person, company, or organization using water supplied by the City of Safford.

*Domestic Water Use:* water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or cleaning a residence, business, industry, or institution.

*Industrial Water Use:* the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

*Landscape Irrigation Use:* water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

*Non-essential water use:* water uses that are **not** essential, nor required for the protection of public health, safety, and welfare, including:

- a. Irrigation of landscape areas, including parks, athletic fields, and golf courses, cemeteries, except otherwise provided by this policy; and
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or vehicle; and
- c. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas; and
- d. Use of water to wash down buildings or structures for purposes other than immediate fire protection; and
- e. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
- f. Use of water to fill, refill or add to any indoor or outdoor swimming pools or Jacuzzi type pools; and
- g. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life; and
- h. Failure to repair a controllable leak(s) within a reasonable period after having been given written notice directing the repair of such leak(s); and use of water from hydrants for construction purposes or any other purposes other than firefighting.

### **13.20.075 – Initiation and Termination of Drought Response Stages.**

The City Council upon the recommendation of the Utilities Director is hereby authorized to declare, or rescind the demand stage alert levels in conformity with and based upon the Delivery Capacity Triggers set forth herein below which assess the relationship between demand and municipal safe production capability. Safe production capability is 75% of the total available water resources, based upon distribution components, storage reserves, weather conditions and historic data. NOTE: The safe production capability may change with summer and winter seasons as flow conditions rise and fall in Bonita Creek or because of the static water levels in city wells.

- A. Monitoring: All relevant components of the City of Safford water system will be monitored to ensure timely response to water situations including water supply, treatment and distribution system trends and potential constraints. Should trends show that any system is approaching trigger levels, more detailed monitoring will be implemented. At a minimum, during non-critical water supply periods, monitoring and trending will take place monthly. During critical water supply periods the monitoring and trending will take place at least weekly and may be monitored even more frequently.
- B. Initiation of Drought Response: When delivery capacity trigger conditions occur, the Utilities Director shall request the appropriate Stage Alert level. Meeting or exceeding one or more trigger conditions will be sufficient cause to initiate a corresponding level. Notification of the public will occur.
- C. Termination of Drought Response: When an emergency no longer exists, termination of drought measures will be announced through the media and newspapers.

**13.20.076– Delivery Capacity.** The following Demand Alert Stages are hereby prescribed:

- 1. Delivery Capacity Triggers.
  - (1) **Stage 1 Excessive Demand Alert**: When production is operated at or above 75% of available production capacity for five (5) consecutive days. NOTE: Available production capacity may change with summer and winter seasons.
  - (2) **Stage 2 Water Watch**: When demand is greater than safe production capability for three (3) consecutive days.
  - (3) **Stage 3 Water Warning**: When demand is greater than safe production capability for two (2) consecutive weeks.
  - (4) **Stage 4 Water Emergency**: When water demand exceeds total production capability. A Stage 4 Water Emergency shall require the enactment of additional water use restrictions. These restrictions shall be determined by the City Council in an amount necessary to reduce water demand to a safe level. An emergency may be declared in this instance at the discretion of the City Council.

The following Stage Alert levels shall govern the use of water by customers of the City of Safford Water Department as prescribed below:

- (a) Stage 1: 5% reduction in anticipated water use
- (b) Stage 2: 10% reduction in anticipated water use.
- (c) Stage 3: 30% reduction in anticipated water use.
- (d) Stage 4: 50% reduction in anticipated water use.

The City Council may, from time to time, change the established water reduction level(s) or enact additional water conservation or water use reduction measures as may be necessary or appropriate to achieve a desired reduction in water use.

(1) *Stage 1: Excessive Demand Alert:* Water users are specifically encouraged to minimize waste in water used for irrigation, vehicle and pavement washing, construction and other water consuming activities. No person shall wash paved areas such as drives, sidewalks, tennis courts, or basketball courts. Outside watering shall be prohibited between 10:00 a.m. and 6:00 p.m. Outside watering limited to two (2) hours on designated allowed watering days (see table):

Last Digit of Address	Allowed Water Dates
Even	2nd, 4th 6th,8th, 10th,12th,14th,16th,18th,20th,22nd,24th,26th,28th,30th
Odd	1st,3rd,5th,7th,9th,11th,13th,15th,17th,19th,21st,23rd,25th,27th,29th,31st

(2) *Stage 2 Water Watch: Water restrictions.* The following water uses are restricted or prohibited. In addition to the restrictions set forth in Section (1) above, no person shall:

- (a) Install swimming pools, spas, wading pools or ornamental fountains not to exceed 5,500 gallons.
- (b) Wash vehicles on the allowed days unless a bucket and hose with a positive cutoff nozzle is used. No restrictions apply to vehicles that must be washed for public health, safety or welfare purposes, or to commercial car washes.
- (c) Use water from a fire hydrant except for emergencies or upon the written approval of the Utilities Director and Fire Chief; and except for such use associated with firefighting activities, public health, safety or welfare.
- (d) Prohibit the hosing off of pavement, sidewalks, walkways, parking lots, tennis courts, basketball courts, buildings or any structures, except for health or safety reasons.
- (e) Plant or install new sod or turf.
- (f) Outside irrigation shall use the following allowed watering days:
  - If your address ends with an even number, water on Monday, Wednesday and Friday.
  - If your address ends with an odd number, water on Tuesday, Thursday and Saturday.

(3) *Stage 3 Water Warning: Water reductions.* In addition to the restrictions set forth in Stages 1 and 2 above, the following water uses are further restricted or prohibited. The following schedule shall be the allowed watering days.

- If your address ends with an even number, water on Wednesday and Saturday
- If your address ends with an odd number, water on Tuesday and Friday.

No person shall:

- (a) Fill or refill swimming pools, spas, wading pools, or ornamental fountains.
- (b) Wash vehicles, paved areas, or use fire hydrants on a non-emergency basis without written approval of the Utilities Director and Fire Chief. No restrictions apply to vehicles that must be washed for public health, safety or welfare, or to commercial car washes.

(4) *Stage 4 Water Emergency. Water curtailments:* The following water uses are prohibited. No person shall:

- (a) Do any of the acts prescribed in Stages 1 through 3 above.
- (b) CONDUCT ANY OUTSIDE WATERING WITH POTABLE WATER.
- (c) Use fire hydrants, wash pavements, fill or refill pools, spas, wading pools, or fountains unless for public health, safety or welfare.
- (d) Use potable water for dust control on public or private streets or capital improvement projects.
- (e) Use potable water in violation of any other restriction deemed necessary by the City Council for the purpose of protecting the welfare of the citizens of the city.

Depending on the severity of the Stage 4 Water Emergency, the City Council may suspend new water connections.

#### **13.20.077 – Enforcement of Drought Restrictions.**

1. The customer shall be responsible for complying with these drought restrictions. Those who violate any of these stages of alert will be subject to the penalties in this provision.
2. The customer must pay the water bill, including the charge imposed under this Section by the due date of the water bill. If the customer chooses to appeal the penalty and the appeal is approved, the disputed charge will be credited on the customer's next water bill.

Customers will be notified of any penalties/violations through the regular utility bill mailing process.



- a. For a first violation of any Stage drought restriction, the customer will be advised in writing and informed that a monetary charge will be added to the water bill for subsequent violations.
- b. For a second violation of any Stage drought restriction at the same premises, the customer will be advised in writing and a **\$100 charge** will be added to the water bill.
- c. For a third violation of any Stage drought restriction at the same premises, the customer will be advised in writing and a **\$250 charge** will be added to the water bill.
- d. For a fourth and subsequent violation of any Stage drought restriction at the same premises, for violation of any term or condition or for willful violation any drought restriction, the customer shall be advised in writing, and a **\$500 charge** will be added to the water bill. In addition, the City of Safford Water Department may install a flow restrictor on the service line that will remain in place during the irrigation season, April 1<sup>st</sup> through September 30<sup>th</sup>, or may suspend service temporarily until the cause of the violation is corrected and all outstanding penalty and water service charges have been paid.

**13.20.078 – Appeal Process:**

- a. Any customer subject to a charge for violation of a provision of this Chapter may appeal the charge by filing a written notice of appeal to the Business Service Administrator, within ten (10) days of the violation notice.
- b. The Business Service Administrator must respond to the appealing customer within 10 business days of receipt of an appeal, or the charge will be removed from the account.
- c. If the Business Service Administrator denies the appeal, the appealing customer may submit the appeal in writing to the Utility Director within ten (10) business days of the date of the denial by the Business Service Administrator. The appeal shall be informal and the decision by the Utility Director will be final.