

**AN ORDINANCE OF PIMA COUNTY, ARIZONA RELATING TO DROUGHT:
AMENDING PIMA COUNTY CODE CHAPTER 8.70 DROUGHT RESPONSE PLAN
AND WATER WASTING ORDINANCE, SECTIONS 8.70.020 (A)(D)(J)
DEFINITIONS; 8.70.040 (B(7))(D(1)(3))DROUGHT STAGES-REQUIRED
DROUGHT CONSERVATION MEASURES; 8.70.050 (B) TABLE 8.70.050
DECLARATION OF DROUGHT STAGE.**

WHEREAS, pursuant to A.R.S § 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 limited by §11-251 or any other law or in conflict with any rule or law of the State of Arizona; and

WHEREAS, pursuant to A.R.S § 45-401, the State of Arizona declares it is necessary to conserve, protect and allocate the use of groundwater resources; and

WHEREAS, pursuant to A.R.S section 11-251(17), the Pima County Board of Supervisors is authorized to adopt provisions necessary to preserve the health of the County; 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 8.70.020, 8.70.040 and 8.70.050 are amended to read as follows:

8.70.020 Definitions.

- A. "Arizona Drought Monitoring Report" means the long-term drought status 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 the Pima County Local Drought Impact Group.
- B. "Department" means the Pima County Health Department.
- C. "Director" means director of the health department.
- D. "Pima County Local Drought Impact Group" means a drought monitoring and assessment group comprised of individuals skilled in monitoring climate, area water supplies, ecosystems, and economic and social impacts as a result of drought and facilitates the role of a Local Area Impact Assessment Group prescribed in the Arizona Drought Preparedness Plan.

- 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.
- H. The term "pool" applies to all pools regulated by Pima County's adopted building or technical codes, regardless of whether the pool is installed above- or below-ground or whether it is a temporary or permanent structure.
- I. "Water" means potable or reclaimed water from all sources.
- J. "Rainwater harvesting system" means a system or series of components or mechanisms that are designed to provide for the collection and storage of rainwater for use of the collected water on the same property.

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.

- A. Stage 1, Water Alert. During a Water Alert, the department shall issue one or more notifications to the public. The department shall ask all persons to implement voluntary reductions in water use, ask restaurants to provide water only upon request, urge hotels and motels to conserve water, and engage in a campaign to increase public education to promote awareness about water conservation issues.
- 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.
 - 2. Persons working in or operating restaurant-type uses may provide water only upon request.
 - 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. Areas to be irrigated exclusively by a rainwater harvesting system are exempt from this measure.
- 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; a person may irrigate turf or ground cover with harvested rainwater only;
 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 except for water captured by a rainwater harvesting system;
 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 Local Drought Impact Group. 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

Indicator	Arizona Drought Monitor Report ¹ Based on Findings Related to Pima County
Stage 1 Alert	Moderate-Severe
Stage 2 Warning	Severe-Extreme
Stage 3 Emergency	Extreme-Exceptional
Stage 4 Crisis	Exceptional

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, Pima County, Arizona, this ____ day of _____, 2014.

Chairperson, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney

CHARLES WESSELHOFT

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WHEREAS, pursuant to A.R.S section 45-401, the State of Arizona declares it is necessary to conserve, protect and allocate the use of groundwater resources; and

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- B. "Department" means the Pima County Health Department.
- C. "Director" means director of the health department.
- D. "Pima County Local Drought Impact Group" ~~"Drought Monitoring Committee"~~ means a drought monitoring and assessment group comprised of individuals skilled in monitoring climate, area water supplies, ecosystems, and economic and social impacts as a result of drought and facilitates the role of a Local Area Impact Assessment Group prescribed in the Arizona Drought Preparedness Plan.

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 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.

(Ord. 2007-47 § 1 (part), 2007; Ord. 2006-43 § 1 (part), 2006)

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 Local Drought Impact Group 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

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

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.

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Chairperson, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

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Deputy County Attorney
CHARLES WESSELHOFT