

## Chapter 8.70 - DROUGHT RESPONSE PLAN AND WATER WASTING

### Sections:

#### 8.70.010 - Purpose and applicability.

- A. The purpose of this chapter is to provide a drought response plan for the unincorporated areas of Pima County.
- B. Because of varying conditions related to water resource supply and distribution system 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 residents of unincorporated Pima County are put to the maximum beneficial use, that the unreasonable use, or unreasonable method of use is prevented, and that conservation of water is accomplished in the interests of the public health, safety, and welfare.
- C. This chapter applies to the unincorporated areas of Pima County.

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

#### 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.

(Ord. 2014-38, § 1 (part), 2014; Ord. 2007-47 § 1 (part), 2007; Ord. 2006-43 § 1 (part), 2006)

8.70.030 - Water wasting prohibited.

At no time may a person waste water or use water unreasonably. Wasteful or unreasonable uses of water include but are not limited to the following practices:

- A. Causing or permitting water to leave a property by drainage onto adjacent property or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.
- B. Failing to repair a water leak following initial notification.
- C. Washing driveways, sidewalks, parking areas, or other impervious surface areas with an open hose or with a spray nozzle attached to an open hose or, through other means, under regular or system pressure, except when required to eliminate conditions that threaten the public health, safety, or welfare. This restriction does not apply to residential customers.

(Ord. 2006-43 § 1 (part), 2006)

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 7:00 p.m. and 7:00 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 three 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 three 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.

(Ord. 2014-38, § 1 (part), 2014: 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. 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 <sup>1</sup> 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

<sup>1</sup> See <http://www.azwater.gov/dwr/drought/MTC.html>

(Ord. 2014-38, § 1 (part), 2014: Ord. 2007-47 § 1 (part), 2007; Ord. 2006-43 § 1 (part), 2006)

8.70.060 - Variances.

The director is authorized to review hardship cases and special cases within which strict application of this chapter would result in serious hardship to a person. 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 director.

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

8.70.070 - Technical assistance.

The director shall continually monitor and report the nature and severity of the drought condition to the county administrator or designee.

(Ord. 2006-43 § 1 (part), 2006)

8.70.080 - Violation—Enforcement.

- A. In the event of any violation of this chapter, the department shall post on the property where the violation occurred written notice and mail a duplicate notice to the registered owner of the property and to any person known to the department who is responsible for the violation or its correction. Such notice shall describe the violation and order that it be corrected, ceased or abated immediately or within such specified time as the department determines is reasonable under the circumstances and shall further contain a description of the fees and penalties associated with such violation. If the cited person fails to comply with such order, the department will contact the water provider who may disconnect the service where the violation occurs. The property owner will be responsible for any reconnection charges in addition to other fees or charges imposed by the water provider.
- B. In addition to being grounds for discontinuation of service, violation of any provision of this chapter is a civil infraction. Any person found to be non-compliant with any provision of this chapter may be assessed a civil penalty of not less than two hundred fifty dollars for a violation occurring during drought management stage 2, not less than four hundred dollars for a violation occurring during drought management stage 3, and not less than six hundred dollars for a violation occurring during drought management stage 4. Each act of violation and every day upon which such violation occurs shall constitute a separate infraction. The Director may also seek injunctive relief.

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