

ORDINANCE NO. 2006- \_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; ENACTING CHAPTER 8.70 OF THE PIMA COUNTY CODE: DROUGHT RESPONSE PLAN AND WATER WASTING; DECLARING DROUGHT STAGES AND THE AUTHORITY TO DECLARE AND ENFORCE DROUGHT RESTRICTIONS AND TO PROHIBIT WATER WASTING; ENACTING CIVIL PENALTIES FOR VIOLATIONS OF THE CHAPTER.**

WHEREAS, the Pima County Board of Health has found that the health of the County can be affected by the amount of water available to the constituents of Pima County;

WHEREAS, the Pima County Board of Supervisors determines that enacting measures prohibiting waste of potable and reclaimed water and restricting the use of water progressing in severity as local drought conditions worsen will help to ensure the availability of potable water to protect the health of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS:

**SECTION 1.** Chapter 8.70, DROUGHT RESPONSE PLAN AND WATER WASTING of the Pima County Code is hereby enacted, providing as follows:

**8.70.010 Purpose.**

- 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.

**8.70.020 Definitions.**

- A. "CLIMAS" means Climate Assessment for the Southwest-Institute for the Study of the Planet Earth, University of Arizona.
- B. "Department" means the Pima County Health Department.

- C. “Director” means director of the health department.
- D. “Economic hardship” means a threat to an individual’s or business’ primary source of income.
- E. “Notification to the public” means notification through local media, including interviews and issuance of news releases.
- F. “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.
- G. “Person” means all departments of the county and companies or persons in unincorporated Pima County owning, occupying, or controlling water use on any premises.
- 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. “Secretary” means the Secretary of the United States Department of the Interior.
- J. “Water” means potable or reclaimed water from all sources.

**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.

**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 and fines 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 conservation measures will be required of all persons:

1. The department shall engage in continued public education to promote awareness about water conservation issues.
2. Persons working in or operating restaurant-type uses may provide water only upon request.
3. The department shall urge persons working in or operating hotel- and motel-type uses to conserve water.
4. Persons may irrigate landscaping only on properly scheduled outdoor watering days:
  - a. Landscape irrigation may occur no more than 3 days per week; with
  - b. Even-numbered addresses irrigated only on Sunday, Tuesday, and Thursday; odd-numbered addresses irrigated only on Monday, Wednesday, and Saturday;
  - c. Landscape irrigation may occur only between the hours of 8 p.m. and 8 a.m.
5. All persons are required to implement the following additional conservation measures:
  - a. No person may operate outdoor misters;
  - b. No person may operate or use public fountains or water features;
  - c. No natural person may wash a car except with use of a bucket and a shut-off nozzle;
  - d. No charity car washes may occur except at commercial car washes that recycle water; and
  - e. No person may overseed turf areas.

C. Stage 3, Water Emergency. During a Water Emergency, the following conservation measures will be required of all persons:

1. The department shall engage in continued public education to promote awareness about water conservation issues.
2. Persons may irrigate landscaping only on properly scheduled outdoor watering days:
  - a. Landscape irrigation may occur no more than 1 day per week, with
  - b. Even-numbered addresses irrigated only on Saturday; odd-numbered addresses irrigated only on Sunday.

3. All persons are required to implement the following additional conservation measures:
  - a. No person may fill a newly constructed residential pool. Pool permits will remain in active status for 3 months after Stage 3 is downgraded;
  - b. No person may operate or use a public fountain or water features;
  - c. No person may operate car washes unless it is equipped with a water recirculation system; and
  - d. 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 conservation measures will be required of all persons:
  1. No person may irrigate landscape except on properly scheduled outdoor watering days and under the following conditions: landscape irrigation is restricted to only trees and shrubs; no person may irrigate turf or ground cover.
  2. All persons are required to implement the following additional conservation measures:
    - a. No person may fill a newly constructed pool. Pool permits will remain in active status for 3 months after Stage 4 is downgraded;
    - b. No person may use water to wash a car; and
    - c. No person may use water to clean a parking lot or street.
  3. 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. The triggers defining each drought stage are listed in Table 8.70.050. If at any time more than two of the three triggers listed for each drought stage are met, the respective drought stage shall be declared. Additionally, the secretary's declaration 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 shall increase the drought level by one stage.
- B. Drought stages for all or any area of the county may be declared by the county administrator, either personally or by designee, or the board of supervisors. A declaration by the secretary, as set forth in subsection (A), shall automatically increase the drought level subject to the restrictions of this section. The board of supervisors must ratify within ten days an increase to drought stages 3 or 4 resulting from a declaration by either the county administrator or the secretary. If the severity of the drought lessens, the county administrator may downgrade the drought to a lower stage. Upon declaration of heightened drought stages, the county administrator shall report in writing to the board of

supervisors, providing the reasons for and expected duration of such event and describing implementation of drought response and conservation measures.

<b>Table 8.70.050</b>	<b>TRIGGER</b>		
	<b>CONSECUTIVE DAYS <math>\geq</math> 100 DEGREES</b>	<b>CLIMAS % AVE PRECIPITATION for the WATER YEAR (figure 2b.)<sup>1</sup></b>	<b>CLIMAS DROUGHT MONITOR (figure 3.)<sup>1</sup></b>
<b>Stage 1</b>	$\geq 45$	$\leq 90\%$	$\geq$ D-2: Severe Drought
<b>Stage 2</b>	$\geq 60$	$\leq 70\%$	$\geq$ D-3: Extreme Drought
<b>Stage 3</b>	$\geq 75$	$\leq 50\%$	$\geq$ D-4: Exceptional Drought
<b>Stage 4</b>	$\geq 90$	$\leq 25\%$	$\geq$ D-4: Exceptional Drought

<sup>1</sup>CLIMAS data is available at: <http://www.ispe.arizona.edu/climas/forecasts/swconditions.html>.

**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 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 director.

**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.

**8.70.080 Violation; Enforcement.**

- A. In the event of any violation of this article, 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 article is a civil infraction. An individual or corporation convicted of violating any provision of this section shall be assessed a civil penalty of not less than two hundred fifty dollars (\$250.00) for a violation occurring during drought management stage 2, not less than four hundred dollars (\$400.00) for a violation occurring during drought management stage 3, and not less than six hundred dollars (\$600.00) 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 offense. The director may also seek injunctive relief.

**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.** This Ordinance shall become effective 31 days after its adoption.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.

**PIMA COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Chairman

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Deputy County Attorney

## Frequently Asked Questions

**Q. When did Pima County's Drought and Water Wasting Ordinance become effective?**

A. July 21, 2006.

**Q. Where does the Ordinance apply?**

A. The Ordinance applies to the unincorporated areas of Pima County.

**Q. Who enforces the Ordinance?**

A. Staff of the Pima County Health Department.

**Q. If someone is wasting water, who do I call?**

A. The Pima County Health Department, Consumer Health and Food Safety Section, at 740-3191.

**Q. What happens when I file a complaint?**

A. A complaint form will be completed and a letter will be sent to the property owner who is wasting the water. The letter explains the new ordinance and what actions to be taken to correct the problem.

**Q. How long do they have?**

A. Ten days.

**Q. What if the situation isn't corrected?**

A. We ask that you call the Health Department again at 740-3191 to advise us.

**Q. Then what happens?**

A. An employee of the Health Department will be sent to the property to conduct an inspection and verify the water wasting.

**Q. Does the process stop there?**

A. No. If the wasting continues, there are three progressive actions that can be taken up to civil and criminal charges being filed against the property owner.

**Q. I got a letter from the Health Department saying I was wasting water. Who can I talk to about it?**

A. Staff at the Pima County Department, Consumer Health and Food Safety Section, at 740-3191.

**Q. Where can I find a copy of the Ordinance?**

A. On the Health Department's web site at [www.pimahealth.org](http://www.pimahealth.org)

**Q. Is Pima County having a drought right now?**

A. In 2003, the Pima County Board of Supervisors declared a State of Emergency due to drought conditions. The Declaration is still in effect.

**Q. What is Pima County doing about the drought?**

**A.** The Board of Supervisors, on June 20, adopted a Drought Response Plan. The Plan is available for review at [www.pimahealth.org](http://www.pimahealth.org)

**Q. What steps can I take to reduce water use outside my home?**

**A.** You can:

- Water effectively - Water infrequently but deeply to encourage your landscape plants to develop deeper roots. To help water penetrate, run two short cycles of watering rather than one long one. For example: water for 12 minutes, wait for 20 minutes and then water for another 12 minutes.
- Be realistic - Accept that your landscape cannot look its best during a hot, dry summer. Make sure to water trees and shrubs deeply and infrequently to help them make it through the drought and then don't worry about the smaller plants that can be replaced next year.
- Wait until fall - This is not the summer to plant new landscapes (unless you are converting high-water-use grass and plants for a xeric landscape). Wait until fall when we have cooler temperatures.
- Choose an automatic irrigation system - An automatic sprinkler system can be set to water the lawn for a specified amount of time. This saves your time and waters the lawn evenly. If you don't have an automatic sprinkling system, set a kitchen timer. A lot of water can be wasted in a short period of time if you forget to turn your sprinklers off. Outdoor faucets can flow at rates as high as 300 gallons per hour.
- Use a cistern to collect rainwater - 1,000 square feet of roof or pavement can collect 420 gallons of water from 1 inch of rain. Rooftops or any sloping surface such as a driveway are prime "catchment" areas for rainwater. Store the collected water in a cistern, and siphon it off to water your garden or wash your car. A plastic or metal garbage can is easily converted to a cistern by attaching a spigot and hose. Locate your cistern close to wherever you plan to use the water, and consider the massive weight of such a tank if you plan to put it on your roof. To filter out leaves and debris, install a removable screen at the entrance to the cistern.
- Spot water - Drier areas require more water than areas where water settles. If necessary, water dry areas by hand.
- Use a soil probe to test soil moisture - Water only when a soil probe shows dry soil or a screwdriver is difficult to push into the soil.
- Water the lawn only when needed - Step on the grass; if it springs back up when you move your foot, it does not need water.
- Don't water the pavement - Position sprinklers so that water lands on the lawn or garden, not in areas where it is not needed. Also avoid watering when it is windy. Wind causes water to evaporate quickly and blows water onto areas where it is not needed. Remember, if it doesn't grow, don't water it!
- Water without waste - Interrupt watering when puddles or runoff occur. This allows the water to penetrate into the soil before resuming irrigation.
- Consider drip irrigation systems around trees and shrubs - Drip systems permit water to flow slowly to roots, encouraging strong root systems. These systems will also cut down evaporation.
- Keep lawn free of weeds - Weeds are water thieves and will rob your plants of water and nutrients. Spot spray or remove weeds as they appear.

- Accept a less than lush lawn - Grass will naturally go dormant during periods of drought, but will readily regenerate when water becomes available. Reduce traffic on stressed turf areas if possible.
- Match fertilizer to the plant requirement - Fertilizer applications require additional water. Excess fertilizer stimulates top growth, often to the detriment of the root system. Learn to accept turf grasses with low water needs.
- Mow as infrequently as possible - Mowing puts the grass under additional stress that requires more water.
- Mow higher than normal - Longer leaf surfaces promote deeper rooting and shade the root zone. Never remove more than 1/3 of the leaf blade in one mowing. Return mulched clippings to the lawn.
- Use a broom to clean the driveway and sidewalk - Sweeping the driveway and sidewalk will get them clean enough without wasting gallons of water.
- Don't let the water run while washing the car - Get the car wet, then turn off the water while you soap the car down using a bucket of soapy water. Turn on the water again for a final rinse. Use the bucket of soapy water on the flower bed or garden.
- Don't use the sprinklers just to cool off or for play - Running through water from a hose or sprinkler is fun but wastes gallons of water.
- Check for leaks in pipes, hoses, and faucet - All leaks cause water to be wasted. Repair or replace any equipment leaking water.
- Cover your swimming pool - Covering a swimming pool will help reduce evaporation. An average sized pool can use about 1,000 gallons of water per month if left uncovered. A pool cover can cut the loss by up to 90%.
- Recycle your pool water - Backwashing or draining your pool into the street is against the Water Wasting Ordinance. Use your pool water to irrigate your lawn, plants, trees, and shrubs.
- Use shut-off nozzles on hoses - Shut-off nozzles completely turn off the water when you are not using it.
- Move sprinkler heads away from curbs or sidewalks - A mulch, bark, or rock area at least 8 inches wide adjacent to sidewalks and curbs will help eliminate water waste.

**Q. Are there some water saving options for inside my home?**

**A. Yes, and here are just a few:**

- Go low-flow - If you haven't installed low-flow toilets in your home or business yet, do it now. Changing out a toilet is the fastest way to save water indoors
- Change your showerhead - Some showerheads can use as much as 5 gallons of water per minute. There are many great new showerheads on the market that use only 2.5 gallons per minute. That's a quick way to cut your morning water use in half.
- Pay attention to your water bill - If you notice a spike in your usage that you can't explain, look for leaks. If you can't identify the source on your own, call your water provider
- Wash effectively - Run full loads in your washing machine and dishwasher. Or, to be even more efficient purchase a low water use clothes washer. They are easier on your clothes and use less energy and water.

**Q. Do you have other ways I can save water?**

A. Remember that there is a direct association between water conservation and energy savings when practicing conservation measures involving hot water. Your hot water heater can comprise as much as 35% of your energy bill. The following tips will save water and energy and your money:

- Not filling the bathtub all the way, or better yet taking a 5 min. shower.
- Install low flow aeration shower and faucet heads. These inexpensive devices really work and pay for themselves! Just screw off the old ones with a common wrench and screw in the new one. Not too tight though.
- Use water level adjustments on laundry washers or wait until you have a full load. Use the cold water setting whenever you can.
- Same for your dishwasher, use full loads, water saving settings and air dry if you have the option available.
- Avoid defrosting foods with running hot water. Plan ahead and defrost the day before in the refrigerator or covered on a counter top.
- Insulate your hot water heater using only approved covers and see if lowering the thermostat a bit still satisfies your hot water needs.

**Q. What is Xeriscape?**

A. Many people confuse xeriscaping with "zero-scaping." While both of these landscapes use less water than the traditional, turf-dominated approach, they are totally different in appearance and appeal.

- Xeriscaping - Uses a wide variety of water-efficient plants to create an oasis-like feeling
- Zero-scaping - Uses lots of rocks and usually only juniper, cactus, or yucca

**Q. Why Xeriscape?**

A. For most of the western United States over fifty percent of residential water used is applied to landscape and lawns. Xeriscape can reduce landscape water use by 60% or more. Efficient water use doesn't mean changing our lifestyle. It means reducing water waste, such as improper irrigation, and finding ways to achieve attractive, comfortable landscapes without excess water use.

- Convert some or all of your landscape to xeriscape (low water use plants). Landscape with plants that require less water. These plants can be very attractive and can survive drought better than turf. Rocks, gravel, benches, and deck areas can all be used to creatively decorate the yard.