

RESOLUTION NO. 2416

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING TECHNICAL AND CONFORMING CHANGES TO VARIOUS CODE PROVISIONS RELATING TO WATER CONSERVATION AND THE TIMING OF IMPACT FEE PAYMENTS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

WHEREAS, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

WHEREAS, it is the intention of the Town of Payson to amend Sections 50.03, 50.57, 50.59, 50.78, 50.79, 50.82, and 50.83 of the Code of the Town of Payson; and Sections 15-03-001 and 15-03-002 of Payson's Unified Development Code relating to Water Conservation and the timing of Impact Fee payments; and

WHEREAS, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. All references in Chapter 50 WATER to the "Public Works Director" and "the Director" are amended, and as amended shall read the "Water Superintendent."

Section 2. Section 50.03(H) of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

50.03 WATER SUPPLY AND STORAGE REQUIREMENTS  
(H) Reserved.

Section 3. Reserved.

~~Section 3. Section 50.57(B) of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:~~

~~§ 50.57 EQUIVALENT RESIDENTIAL UNIT:~~

~~(B) Each of the following shall be deemed to use one Equivalent Peak Residential Unit, excluding swimming pool and spa installations, and subject to the actual proposed use and landscaping employed:~~

~~(1) 1.5 for apartment, townhouse or condominium units having two or less bathrooms and two or less rooms that may be used as a bedroom;~~

- ~~(2) 2.2 motel rooms (without spas);~~
- ~~(3) 3 nursing home beds;~~
- ~~(4) 5,000 square feet of professional office space; or~~
- ~~(5) 7,500 square feet of retail merchandising space.~~

Section 4. Section 50.59 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

50.59 TIME FOR PAYMENT

- (A) Except as set forth in subsection B and C below, the Water Development Fee required under this section shall be paid at the time when construction permits are issued.
- (B) At the sole discretion of the Water Superintendent, the Town may elect to enter into an agreement for the collection of Water Development Fees over a period of time not to exceed 60 months from the original due date of said fees.
- (C) For projects or developments where the number of Equivalent Residential Units being paid for exceeds five (5), at the sole discretion of the Town Council, the Town may elect to enter into an agreement for the collection of Water Development Fees over a period of time not to exceed 120 months from the original due date of said fees. Such agreement may include the payment of interest on the amount owing under the agreement.
- (D) The Water Superintendent is authorized to obtain or require any assurances necessary to protect the Town's interest in fees collected under subsections (B) and (C) above.

Section 5. Section 50.78(E) of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

50.78 RESTRICTIONS DURING WATER SHORTAGE

- (E) Reserved.

Section 6. All references in Section 50.79 of the Code of the Town of Payson to 'this Article 2' and 'this Article' are amended and as amended shall read 'the Water Conservation provisions of Chapter 50.'

Section 7. The reference in Section 50.79(C) of the Code of the Town of Payson to 'Water Conservation Level III or IV' is amended and as amended shall read 'Water Conservation Level II or III.'

Section 8. Section 50.82(G)(3) of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

50.82 WATER CONSERVATION PLUMBING STANDARDS

- (G) Installation.
- (3) Reserved.

Section 9. Sections 50.83(C) and (J) of the Code of the Town of Payson are hereby amended, are declared to be a public record, and as amended shall read as follows:

50.83 OUTDOOR CONSERVATION.

- (C) Prohibitions.
  - (1) Artificial water features. New artificial water features such as ponds, lakes, water courses, and other types of water features larger than 50 gallons capacity are prohibited. Water features less than 50 gallons capacity must be equipped with a recirculating pump.
  - (2) ~~Spray~~ Irrigation: Spray irrigation is prohibited except for existing turf or plants that have been spray irrigated prior to March 1, 2003. Flood irrigation methods are prohibited.
  - (3) Use of misters. The use of misters is prohibited.
  - (4) Swimming pools. The construction of new outdoor swimming pools (above or below grade) is prohibited.
  - (5) Spas. The construction or installation of new spas in or adjacent to motel, hotel, and bed and breakfast rooms is prohibited.
  - (6) Evaporative coolers. The use of evaporative coolers in buildings larger than three thousand square feet is prohibited, except as otherwise authorized by the Water Superintendent when appropriate to maintain adequate health and manufacturing standards.
- J. Irrigation systems shall be of the drip irrigation type and smart controllers (programmable, climate based) must be installed on all new commercial landscape irrigation projects.

Section 10. Section 15-03-001(B)(3) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

15-03-001 Purpose & Applicability

- B. Applicability
  - 3. Reserved.

Section 11. Section 15-03-002(A) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

15-03-002 Landscaping Requirements

A. Use of Low Water Use Vegetation

Except as otherwise provided by this section, all plant material used for landscaping shall be selected from the Town of Payson Water Department Native and Low Water Use Plant List ~~Low Water Use Plant List in Development Bulletin 15-1~~. Development projects will be required to use mulch, rocks, art and other non-plant materials that do not use water and/or help to prevent evaporation.

1. Plants not listed on the Town of Payson Water Department Native and Low Water Use Plant List ~~Low Water Plant List~~ may be used as follows:

- a. Existing Plants. Existing trees and shrubs may be incorporated in a landscaped area.
- b. Playing areas of a golf course (with the use of reclaimed water).
- c. Plant and tree species not listed on the above list (15-1) may be substituted with the approval of the ~~Public Works Director~~ Water Superintendent or his/her designee
- d. ~~Within an Oasis Area. An Oasis Area shall not exceed 1,000 square feet or 3% of the entire development site or parcel, whichever is less.~~

~~2. Use of Turf~~

~~Turf areas or lawn areas are only permitted when reclaimed water is used for irrigation or within an Oasis Area.~~

Section 12. Section 15-03-002(B)(3) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

15-03-002 Landscape Requirements  
B. Landscaping/Screening Maintenance  
3. Reserved.

Section 13. Section 15-03-002(D) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

15-03-002 Landscape Requirements  
D. Reserved.

Section 14. Section 15-03-002(F) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

15-03-002 Landscape Requirements  
F. Reserved.

Section 15. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2416 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Resolution Number 2416. The Town Council of Payson declares that it would have adopted Resolution Number 2416 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF  
THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following  
vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

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Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney