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MEMORANDUM

Date: April 3, 2014

To: Mayor and Council Members

From: Tim Wright, Town Attorney

Re: Systematic Town Code Review – Chapter 50: WATER (Ordinance 846/Resolution 2767)

This is part 10 of the Systematic Town Code Review. Chapter 50 - WATER was reviewed and input for the changes was obtained from the Town Manager, Assistant Town Manager, Water Division Manager, and other Water Division employees. Chapter 50 contains 7 major Sections – (1) General Provisions, (2) Extensions; Design and Construction, (3) Cross-Connection Control, (4) Rates, Charges and Billing, (5) Water Development Fees, (6) Water Conservation, and (7) Administration and Enforcement. The proposed amendments for each Section are attached as an exhibit corresponding with the numbering above. Because the Council is currently considering Replacement Development Impact Fees as required by State Law, no recommended amendments have been made for the Water Development Fee Section. Amendments to the Water Development Fee Section will be made in May when the Council makes a final decision on Replacement Water Development Impact Fees.

Insertions are noted with a double underline and deletions are noted by ~~strikeout~~. Explanations of many of the recommended amendments are listed in blue. In reference to the Water Conservation Requirements, the amendments contemplate some changes being effective immediately and others becoming effective only when C.C. Cragin water is physically in the Town's water system and available for use. A trigger point for this second category of conservation changes has been created, i.e., when the Water Division Manager presents the Council, at a public meeting, with a letter indicating that water from the C.C. Cragin reservoir is available for use in the Town's water system. This trigger point is included in several locations.

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EXHIBIT 1 - GENERAL PROVISIONS

§ 50.01 APPLICATION FOR SERVICE; DEPOSIT.

~~(A) Compliance required. A consumer shall make application for service to the town at the town hall in person or by first class mail and shall make the deposits as required in division (B) below.~~

~~(B) Application; deposit.~~

~~(A1) All customers shall submit a deposit in an amount as is determined by the Council consumers, before domestic water shall be furnished to them, shall submit a deposit to the Chief Fiscal Officer or his authorized representative in a sufficient amount to protect the town against loss occasioned by non-payment of water bill. This amount shall be determined by the procedures outlined in § 50.52.~~

~~(B2) The person individual, partnership, business or corporation in whose name the application is and deposit are made shall be responsible for payment of all bills incurred in connection with the service furnished. This is in addition to any other persons who may be found liable under the law.~~

~~(C3) A separate deposit shall be required for each meter installed.~~

~~(4) The deposit receipt shall not be negotiable.~~

~~(5) Upon discontinuance of service by the consumer, if all bills have been paid, the town shall refund the deposit.~~

~~(6) Where the town finds that a request for a deposit refund is questionable, the town shall require the consumer to produce the deposit receipt.~~

~~(D7) Upon discontinuance of service for non-payment of bills, the town shall apply the deposit toward settlement of the account.~~

[Subsection A is not necessary. Subsection B(1) has been amended to merely require a deposit. How and the amount of the deposit should be determined by policy, not code. Subsection B(2) is shortened. A 'person' includes all of the other entities. Subsections B(4) – (6) should be determined by policy and not code.]

§ 50.02 TOWN AND CONSUMER RESPONSIBILITIES; DISCONTINUATION.

~~(A) Town responsibilities and liabilities.~~

~~(1) The town shall not be responsible for assume the responsibility of inspecting consumer's piping or apparatus and shall not be responsible therefor.~~

~~(2) The town shall refuse service unless consumer's lines or piping are installed in such manner as to prevent cross-connections or backflow.~~

~~(3) Under normal conditions, the town shall notify a consumer of any anticipated interruption of service.~~

~~(4) The town shall not be responsible for negligence of third persons or forces beyond the control of the town, resulting in any interruption of service.~~

(B) Consumer responsibilities.

(1) Piping on consumer's premises shall be ~~so~~ arranged so that the connections are conveniently located with respect to the municipal water system lines or main.

(2) If consumer's piping ~~on consumer's premises~~ is ~~so~~ arranged ~~that it is necessary for the town to~~ require ~~provide~~ additional meters, each place of metering shall be considered as a separate and individual account.

(3) Where a meter is placed on a consumer's premises, the consumer shall provide a suitable place for the meter, which place shall be unobstructed and accessible at all times to the meter reader.

(4) Consumer shall furnish and maintain a private ~~shut out~~ shut-off valve on consumer's side of the meter, ~~and the town shall provide a like valve on the town's side of each meter.~~

~~(5) Consumer shall install consumer's piping and apparatus and maintain it in a safe and efficient manner and at consumer's own expense, in accordance with the town's rules and regulations and in full compliance with the regulations of the State Department of Health Services.~~

~~(6) Consumer shall safeguard the town's property placed on consumer's premises and shall permit access to it only by the authorized representatives of the town.~~

~~(57) In the event of any loss or damage to the property of the town being used to provide water service to consumer, consumer shall pay to the town the cost of the necessary repairs or replacements, and consumer shall assume any liability otherwise resulting. The town shall add the amount of the loss or damage to consumer's bill, and, if the amount is not paid, the town shall discontinue service to consumer.~~

~~(68) Only consumer, members of consumer's household, guests, tenants and employees of consumer shall use water furnished by the town. Consumer shall not sell water to any other person or permit any other person to use water unless such sale is approved in writing by the Water Division Manager.~~

~~(9) During a critical water condition, as determined by the town or another public agency, consumer shall use water only for those purposes which the town shall specify. Consumer's disregard for this rule shall be sufficient cause for discontinuance of service or refusal of renewed service.~~

~~(740) If consumer alters the grade of the land surrounding any of the town's meters or other water system facilities, such that alteration of the facility is necessitated thereby, a consumer shall pay to the town the actual costs of such alteration by town. The town shall add the amount of the costs to consumer's bill, and, if the amount is not paid, the town shall discontinue service to consumer.~~

~~(811) Consumer shall obtain and maintain a connection to an approved sewer or septic system.~~

(C) Discontinuation.

(1) (a) Upon receipt of an official notice from the sanitary district that a consumer's sewer service is subject to disconnection on a date specific, the town may discontinue water service to the consumer no more than three days prior to the disconnection date.

(b) Prior to discontinuation of water service under this subsection, the town or sanitary district will provide the consumer with at least 10 days notice of such discontinuation. If prior to discontinuation of water service, the consumer provides the town with proof that the

consumer's sewer service is no longer subject to disconnection, water service shall not be discontinued.

(2) The town may discontinue water service without notice for any of the following reasons:

- (a) To prevent fraud or abuse.
- (b) The consumer's willful disregard of or refusal to comply with this chapter.
- (c) To prevent or stop any serious public health hazard, including, but not limited to, lack of connection to an approved sewer or septic system or the discharge of sewage in any manner other than to an approved sewer or septic system.

[A(1) was amended for clarity. B(4) – town's responsibility is removed because this is the area for customer responsibility. B(6) – deleted as unneeded. B(7) and B(10), last line omitted because Town can collect in any legal way. B(9) – deleted because will be covered in the Restrictions During Shortage in conservation section.]

§ 50.03 WATER INFRASTRUCTURE DEVELOPMENT SUPPLY AND STORAGE REQUIREMENTS.

(A) At the time of the issuance of any building permit, the permittee shall pay the then-existing Water Development Impact Fees set forth in § 50.56.

~~(B) (1) Notwithstanding division (A) above, a new development may provide the town with a new water supply in lieu of paying the Technical Studies Recapture Fee and the Water Supply Recapture Fee set forth in § 50.56. Such new water supply shall be credited only at the site of such new development and in no case shall any transferable credits be created, recognized or allowed for sale.~~

~~(2) Any new water supply provided pursuant to division (B) (1) shall be capable of producing the greater of 0.4 gallons of water per minute for each Equivalent Residential Unit (as defined by § 50.57) needed for the development, or 35 gallons per minute.~~

~~(3) For the purposes of this section, a NEW WATER SUPPLY shall mean water that is:~~

~~(a) Not accessible by and does not impact or affect the town's current water system or supplies; and~~

~~(b) Does not violate the Agreement between the Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, and the town for the delivery of water from the CC Cragin Reservoir dated May 19, 2008.~~

(BE) This section shall not apply to building units erected upon property which receives or has previously received metered water service from the town, as long as the new building unit(s) erected upon the property do(es) not increase the number of Equivalent Residential Units it uses, and a water development fee has been paid for each Equivalent Resident Unit the property uses.

(CD) All persons or entities who propose development ~~establish water service~~ requiring new or upgraded public water service facilities shall bear all costs associated with such the establishment or upgrading of the water service facilities to serve such development ~~to meet the water demands and requirements of the new use.~~

(~~DE~~) In order to ensure the proper and orderly development of the public water system, it may be necessary for the Water ~~Division Manager~~ ~~Superintendent~~ to require of a developer the construction of water system facilities over and above the needs of a developer's project.

(1) In such instances, the developer is entitled to enter into a water facilities recapture agreement with the town, whereby the developer may be reimbursed for any expenses associated with the oversizing of water system facilities for any future users of the water system facilities.

(2) In no event shall a developer recover more than 100% of the cost representing construction of the upgraded or oversized facilities.

(~~EF~~) All planned improvements and alterations of the town's water system facilities shall be approved prior to construction and shall pass final inspection prior to town's acceptance of the construction.

(1) The town shall receive title to all improvements and alterations, free and clear of all liens or encumbrances.

(2) All water system facilities shall be constructed within dedicated easements or, if necessary, upon land for which title is deeded to the town, ~~upon completion of the improvements and alterations.~~

(~~EG~~) All construction and alterations to the water system facilities shall be governed by a two-year warranty for parts and labor which will benefit the town.

(1) The two-year warranty shall commence upon the date the town finally approves the construction and has received title to the constructed water system facility.

(2) During the course of construction or alteration of the town's water system, the town shall be held harmless from all claims arising from the course of construction by all contractors, and all owners or employees of contractors.

(~~H~~) ~~Reserved.~~

(~~GI~~) When a homeowner extends public water mains or fire protection facilities solely for the benefit of his or her residence, he or she shall be entitled to enter into a special recapture agreement, whereby the homeowner is entitled to receive for each lateral connection to the public water main a sum of money equal to the following formula, the money to be collected from anyone wishing to construct a service connection to the main by the Water Department as a recapture fee and forwarded to the homeowner:

Total homeowner cost to construct main divided by the total number of building units that could be connected to that main (based on number of lots times the density per each lot that could be served in effect at the time the special recapture agreement is executed).

(1) This recapture program shall be limited to a period of ten years after the Water Department's acceptance of the facilities.

(2) If a person builds on a lot or parcel that could be served by these facilities, but does not desire public water service, the fee is due before issuance of a building permit.

(~~HJ~~) In the event town monies are used to construct public water mains, pressure booster facilities, and/or fire protection facilities, a special recapture condition is implied,

whereby the town may recover such monies based on a per-lot or unit served pro rata division of the entire monies expended for such facilities on any particular construction project.

~~(K)~~ (1) Specifications and requirements for the design and construction of facilities necessary for the expansion of the public water system shall be on file ~~in the Office of the Public Works Engineer and~~ with the Town Engineer Clerk.

(2) In order to ensure its proper and orderly development, the Water Division Manager Superintendent shall review all plans and documents relating to the expansion, extension or construction of the public water system.

(3) The Water Division Manager Superintendent shall recommend changes necessary to assure the proper growth of the water system on a town-wide basis.

(4) The Water Division Manager Superintendent shall approve all proposed additions to the public water system if and when such additions are determined to be for the public benefit as a whole, as well as for the benefit of any particular development.

(5) In the event it is necessary to alter or change any specifications or requirements relating to the design and construction of the public water system, the Water Division Manager Superintendent shall make necessary changes and file them with the Town Engineer Clerk.

[A – There is a small amendment now; the section will be removed when replacement Development Impact Fees are approved. B – Following the SRP agreement, the Town practically cannot accept any new outside water sources. All references to Water Superintendent have been changed to Water Division Manager. Also, plans are now filed with the Town Engineer.]

§ 50.04 TEMPORARY SERVICE.

The town may, in its discretion, supply services for temporary purposes, ~~provided that the town has water available in excess of the town's regular needs, and provided the town has available material and equipment necessary to supply the service. Each applicant must pay to the town in advance the town's reasonable estimate of the cost of labor and materials for the service.~~

[If and how the Town provides temporary services should be a matter of policy and not code.]

§ 50.05 ~~DISCONTINUATION~~ NCE OF SERVICE; ~~CHANGE OF OCCUPANCY.~~

Consumer shall give the town not less than three days' notice ~~in person or in writing to~~ of customer's intention to discontinue service or to change occupancy.

~~§ 50.06 GUIDELINES FOR DOCUMENTING AVAILABLE GROUNDWATER RESOURCES.~~

~~The Guidelines for Documenting Available Groundwater Resources for New Developments Within the Town of Payson Limits, a copy of which is available for review at the Office of the Clerk during regular business hours, is hereby adopted and made a part of this code as though fully set forth herein, to be used in conjunction with § 50.03 for the evaluation of the adequacy of water supply and storage facilities for new residential, commercial or industrial units or lots.~~

[With the approval of the SRP agreement this section is no longer needed.]

EXHIBIT 2 - EXTENSIONS; DESIGN AND CONSTRUCTION

§ 50.15 EXTENSIONS TO MAINS AND SERVICES.

Extensions to water mains and services shall meet the specifications, regulations, and requirements of the town as approved by the Water Division Manager, ~~as to the transmission, distribution, supply, storage and treatment of water and shall meet with the approval of the Superintendent of the Water Department.~~

[Redrafted for clarity and changing Superintendent to Division Manager.]

§ 50.16 DESIGN AND CONSTRUCTION SPECIFICATIONS.

(A) Specifications and requirements for the design and construction of facilities necessary for the expansion of the public water system shall be on file with the Town Engineer.

(B) In the event it is necessary to alter or change any specifications or requirements relating to the design and construction of the public water system, the Water Division Manager shall make necessary changes and file them with the Town Engineer.

[Removing specific design requirements from the Code and instead requiring that they be on file with the Town Engineer.]

~~———— (A) All design and construction of facilities for the transmission, distribution, supply, storage and treatment of water shall conform to Arizona Department of Health Services, Bureau of Water Quality Control, Bulletin 10 standard specifications, American Water Works Association (A.W.W.A.) specifications and the Uniform Fire Code.~~

~~———— (B) All pipe shall be Asbestos Cement or PVC approved by the Water Superintendent, inspected and tested to conform to the requirements of the American Water Works Association. The factor test and class shall appear on all pipe and couplings. Pipe shall be supported and installed as recommended by the manufacturer and as approved by the Water Superintendent.~~

~~———— (C) Couplings shall be “Ring Tite” or “Fluid Tite,” or equal, as furnished by the pipe manufacturer. Rubber Ring Gaskets shall be in accordance with A.S.T.M. D 1869, latest revision.~~

~~———— (D) Fittings shall be cast iron, and shall conform to A.S.A. Specification A 21-10, latest revision, for 250 p.s.i. working pressure plus water hammer, or equal, and shall have C1.250 cast into each fitting.~~

~~———— (E) Fittings shall have “Ring Tite” or “Fluid Tite” Bells for Class 150 Asbestos Cement Pipe.~~

~~———— (F) All fittings shall be cement lined, in accordance with A.S.A. Specification A 21-4, except that the lining shall be ½ inch thickness specified.~~

~~———— (G) All valves shall conform to A.W.W.A. tentative standard specification for Gate Valves for ordinary water works service. Valves shall be double disk iron body, bronze mounted type with non-rising stem. Valves shall have “Ring tite” or “Fluid Tite” Bells for Class 150 Asbestos Cement Pipe.~~

~~———— (H) Valve boxes shall be of standard, adjustable, heavy pattern, cast iron extension type roadway boxes. Boxes shall be installed so that no load can be transmitted from the valve box to the valve. All valves shall have valve boxes installed.~~

~~———— (I) All dead ends shall be plugged or capped and fitted with blow offs.~~

~~———— (J) Blocking for water valves and thrust blocks for water lines shall be in accordance with the pipe manufacturer's recommendations and approved by the Water Superintendent.~~

~~———— (K) Fire hydrants shall be Waterous WB-67 DDP, yellow in color.~~

~~———— (L) Disinfection of the water lines shall be in accordance with the recommendation of the Arizona State Department of Health Services, Bureau of Water Quality Control, and M.A.G. Standard Spec. 611.~~

~~———— (M) Tracing wire, 16 ga. min., shall be buried with all mains and services.~~

~~———— (N) All services shall be iron pipe size pack joint polyethylene.~~

~~———— (O) Service saddles shall be malleable iron or bronze, single or double strap.~~

~~———— (P) All services shall have corporation stops and lock wing angle or ball valves.~~

~~———— (Q) All service boxes shall have steel lids with minimum of 18 inch bury for services at the box. Service fittings shall be set 20 inches below maximum anticipated finished grade.~~

~~———— (R) Ground line bury flanges for fire hydrants shall be 10 inches above maximum anticipated finished grade.~~

~~———— (S) All A.C. and P.V.C. pipe must conform to A.W.W.A. standards.~~

~~———— (T) All specifications shall be subject to the interpretation of the Water Superintendent.~~

~~All materials must be inspected by the Water Superintendent, and written approval of their acceptance must be given before their installation. All facilities are subject to the approval and acceptance of the Water Superintendent to ensure compatibility with existing facilities.~~

~~———— (U) The town shall charge a supervision and inspection fee of 2.5% of the total award of the water system facilities construction contract and of all other costs necessary to distribute water within a subdivision.~~

~~———— (V) Subdivider shall provide certification of the entire water transmission, distribution, supply, storage and treatment of water.~~

~~———— (W) The town shall determine whether the general contractor and the contract for purchasing, installing and constructing of any of the water system facilities are acceptable. If the town determines that the prices on any or all phases of construction are excessive, the town reserves the right to construct the facilities itself at a lesser cost or to employ a contractor or the labor necessary to build the system at a cost less than that of the contract previously determined to be excessively high.~~

~~———— (X) If the town determines that the cost of construction on any or all of the above facilities is justified but excessive relative to the efficient utilization of the facilities, the town may substitute the use of a fee, non-refundable, to be charged to the developer. These monies, to be specified by the town, shall be used by the town for the improvement of the municipal water system.~~

~~———— (Y) All storage and pumping facilities shall conform to Arizona Department of Health Services, Bureau of Water Quality Control, Bulletin 10 specifications, American Water Works Association specifications and the Uniform Fire Code.~~

~~———— (Z) Whenever any requirements of any of the noted specification standards conflict, the more stringent standard shall prevail.~~

EXHIBIT 3 - CROSS-CONNECTION CONTROL

§ 50.30 ADOPTION OF CROSS-CONNECTION CONTROL POLICY

A. The Water Division shall adopt a Cross-Connection Control Policy. Such policy shall be available for review by the public.

B. All customers shall comply with the adopted Cross-Connection Control Policy.

50.31 REVIEW AND ENFORCEMENT OF CROSS-CONNECTION CONTROL POLICY

(A) The Water Division shall periodically review and determine if any amendments or revisions to the Cross-Connection Control Policy are warranted based upon changes in Federal Regulations, technology, or any other relevant factor.

(B) The Water Division shall be responsible for the enforcement of the Cross-Connection Control Policy.

§ 50.32 DISCONTINUATION OF SERVICE

If a customer violates or is not in compliance with the Cross-Connection Control Policy, the Water Division may take enforcement action as allowed by law, up to, and including discontinuation of service. Unless the violation of the Policy creates a danger to public health or the integrity of the Town's water supply, the Water Division shall attempt to give at least 5 working days notice prior to any discontinuation of service.

[The Cross-Connection Control Section of the Code (backflow prevention) has been amended to allow the specific requirements to be adopted as an administrative policy. This will allow the policy to evolve/change with changes in state/federal regulations and technology. The new administrative policy will be in place prior to adoption of these amendments.]

~~§ 50.30 PURPOSE; RESPONSIBILITIES.~~

~~(A) In order to protect the public water supply of the town from the possibility of contamination or pollution by isolating within the user's system any contaminants or pollutants which could backflow into the public water supply; and to provide for the monitoring and enforcement of a continuing program of backflow prevention, which will prevent the contamination or pollution of Payson's potable water supply, the following rules, regulation and guidelines shall be and are hereby adopted and shall henceforth be enforced within the town.~~

~~(B) The Water Department (hereinafter called the "Department") of the town is invested with the authority and responsibility for the implementation of an effective cross-connection control program, and for the enforcement of the provisions of this subchapter, and to prevent water from unapproved sources to enter the potable water system. No water service connection to premises of a type specified in this subchapter shall be installed or maintained unless the public water supply is protected as required by this subchapter.~~

~~—(C) The user shall not allow any pollutants and contaminants to enter the public potable water system, from the point of delivery from the public potable water system. The user shall at his own expense install, operate, test and maintain approved backflow preventive assemblies as directed by the Department.~~

~~§ 50.31 DEFINITIONS.~~

~~—For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—AIR GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one inch.~~

~~—APPROVED. Accepted by the Department as meeting an applicable specification stated or cited in this section, and as suitable for the proposed use.~~

~~—AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the public potable water supply, including but not limited to water from another purveyor's public or private potable water supply, treated effluent, wastewaters, industrial fluids or private wells.~~

~~—BACKFLOW. The reversal of the normal flow of water caused by either backpressure or backsiphonage.~~

~~—BACKFLOW PREVENTER. An assemblance of An assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.~~

~~—BACKPRESSURE. The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.~~

~~—BACKSIPHONAGE. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.~~

~~—CONTAMINATION. An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.~~

~~—CROSS CONNECTION. Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy section of pipe, swivel or change over devices or sliding multiport tube.~~

~~—DOUBLE CHECK BACKFLOW ASSEMBLY. An assembly of two independently operating approved check valves with resilient seated shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a recognized laboratory and~~

~~approved by the department for backflow prevention assemblies. To be approved these devices must be readily accessible for in-line testing and maintenance.~~

~~—POLLUTION. The presence of any foreign substance (organic, inorganic or biological) in the water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the waters for domestic use.~~

~~—PRESSURE VACUUM BREAKER ASSEMBLY. An assembly containing an independently operating loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and resilient seated shut-off valves located at each end of the assembly.~~

~~—REDUCED PRESSURE BACKFLOW ASSEMBLY. An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and, at the same time, below the first check valve. The unit shall include properly located test cocks and resilient seated shut-off valves at each end of the assembly. The entire device shall meet the design and performance specifications as determined by a recognized laboratory and approved by the department for backflow prevention assemblies. To be approved, these devices must be readily accessible for in-line testing and maintenance.~~

~~—TESTER, RECOGNIZED. A person who has proven his/her competency to the satisfaction of the Department. Each person certified to make competent tests or to repair, overhaul and make reports on backflow prevention assemblies shall be conversant with the applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other qualifications which are equivalent in the opinion of the Department.~~

~~—WATER, NONPOTABLE. Water which is not safe for human consumption.~~

~~—WATER, POTABLE. Any water which, according to the town, meets nationally recognized standards for human consumption.~~

~~—WATER, SERVICE CONNECTION. The terminal end of the service line from the public potable water system at its point of delivery to the user's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Unprotected takeoffs from the service line will not be permitted upstream of any meter or any backflow prevention device located at the point of delivery to the user's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.~~

~~§ 50.32 APPROVAL.~~

~~—(A) Each backflow prevention assembly required hereunder shall be approved by the Department prior to installation, and shall be installed by and at the expense of the user.~~

~~—(B) The Department may approve backflow assemblies when such devices have received approval from the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, American Water Works Association (A.W.W.A.), and the manufacturer has a parts and service center located within Arizona.~~

~~§ 50.33 INSTALLATION OF DEVICES.~~

~~(A) Assemblies shall be installed at the service connection or near the property line but in all cases, before the first branch line leading off of the service line, and in an accessible location approved by the Department. All assemblies shall be shown and specified on all required building and engineering plans and approval shall be obtained prior to issuance of building and or engineering permit. All assemblies shall be installed according to standard detail.~~

~~(B) Backflow preventive assemblies shall have at least the same cross sectional area as the water service and or meter. In those instances where a continuous water supply is necessary, or if the water supply cannot be temporarily interrupted for testing of assemblies, then two sets of backflow preventive assemblies shall be installed in parallel.~~

~~(C) No bypass shall be installed around backflow prevention assemblies.~~

~~(D) Double check valve assemblies may be installed below ground in a vault if approved, in writing, on a case by case basis, by the Department. Double check valve assemblies installed in vaults shall have sufficient clearance provided to permit testing in place or removal for maintenance, as prescribed in the standard details. Copies are available upon request from the Department.~~

~~(E) A reduced pressure principle backflow preventive assembly shall be installed above ground. Assemblies installed shall be accessible for testing as not to endanger the tester. Under no conditions except as provided for herein will backflow prevention assemblies be installed less than 12 inches or more than 24 inches above grade level.~~

~~(F) All pressure type backflow prevention assemblies which are designed for periodic field testing shall be equipped with resilient seated valves on both the upstream and the downstream side of the assembly. In addition, test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected and, in addition, a test cock shall be located upstream of the upstream shutoff valve, as close as possible to the upstream shutoff valve.~~

~~(G) Backflow assemblies shall be protected from freezing by a method acceptable to the Department.~~

~~§ 50.34 SCHEDULE OF PREMISES REQUIRING BACKFLOW PREVENTIVE DEVICES.~~

~~An approved backflow prevention assembly of the type specified in this section shall be the minimum installation of each service connection, (whether from a fire hydrant, temporary, regular or other water service connection) to the following type of premises or systems. Premises or systems not listed herein shall be subject to review by the Department so as to determine the necessity for the installation of an appropriate backflow prevention device.~~

Premises Requiring Approved Backflow Prevention Assemblies	Type of Assembly Required (and/or)			
	<i>Double Check</i>	<i>Reduced Pressure</i>	<i>Air Gap</i>	<i>Pressure Vacuum Breaker</i>
Animal clinics, animal grooming shops		X		
Automotive repair with steam and/or acid cleaning equipment or solvent facilities		X		
Auxiliary water systems (interconnected)		X		

Auxiliary water systems (non-interconnected)	X			
Beverage bottling plants		X		
Breweries	X			
Buildings greater than 3 stories or 34 feet in height	X			
Buildings with house pumps or potable water storage	X			
Buildings with sewer ejectors		X		
Canneries, packing houses, and reduction plants		X		
Car wash facilities		X		
Centralized heating and air conditioning plants		X		
Chemical plants		X		
Chemically treated potable or non-potable water systems		X		
Civil works (government owned or operated facilities not open for inspection by the Department)		X		
Commercial laundries		X		
Dairies and cold storage	X			
Dye works		X		
Film processing labs		X		
Food processing		X		
Grade school, high school and colleges		X		
Holding tank disposal stations		X		
Hospitals and mortuaries		X		
Medical and dental buildings		X		
Sanitariums, rest and convalescent homes	X			
Irrigations systems (premises having non-potable piping one inch and larger)		X		X
Irrigation systems (premises having separate systems)		X		
Labs using contaminating materials		X		
Manufacturing, processing and fabricating plants using contaminating materials		X		
Mobile home parks		X		
Motion picture studios		X		
Oil and gas production facilities		X		
Plating plants		X		
Radioactive materials processing		X		

Restricted, classified or other closed facilities		X		
Sand and gravel plants		X		
Sewage and storm drainage facilities		X		
Shopping centers		X		
Any premises where a cross-connection is maintained		X		
Water trucks, hydraulic sewer cleaning equipment		X	X	
Any premises where water supplied by the town is subject to deterioration in sanitary quality and its entry into the public water system		X		
Fire Systems with a direct connection from public water system (non-contaminating glycerin)	X			
Fire Systems with a direct connection from public water system (contaminating glycol)		X		
Fire Systems with pump and/or storage tank		X		
Fire Systems with auxiliary supply		X		

~~§ 50.35 APPROVED BACKFLOW PREVENTIVE ASSEMBLIES.~~

~~(A) As designated in § 50.32, the standard installation at each service connection to premises or each system requiring an approved backflow prevention assembly shall be a model and size approved by the Department.~~

~~(B) The term “approved backflow prevention assembly” means an assembly approved by the Department, and may mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association—AWWA C506-78 most recent revised publication Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Assemblies, and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCCHR) of the University of Southern California, established by: Specifications of backflow prevention assemblies—§ 10 of the most current issue of the Manual of Cross-Connection Control, which will be available for inspection.~~

~~(C) Backflow prevention assemblies which may be subject to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by FCCCHR may be listed on the current list of “approved backflow prevention assemblies,” which will be made available upon written request to the Department.~~

~~§ 50.36 MAINTENANCE, TESTING AND RECORDS.~~

~~(A) The user shall maintain accurate records of tests and repairs made to backflow prevention assemblies and provide the department with copies of the records. The records shall be on forms approved by the Department and shall include the list of materials or replacement parts used.~~

~~——(B) The user shall notify the Department 15 days in advance when the annual tests are to be done, so that an official representative may witness the tests if so desired by the Department.~~

~~——(C) Following the installation or any repair, repiping, overhaul or relocation of an assembly, the user shall have it inspected by the Department, tested, and provide the Department with results of the test, before the certificate of occupancy is issued.~~

~~——(D) Testing, maintenance and repairs to assemblies shall be made at the customer's expense by a certified backflow prevention assembly tester who is approved by the Department or any other agency designated by the Department to prescribe test methods or to certify or approve persons to conduct such tests. It shall be the duty of the user to see that these tests are made at least once a year, on the anniversary date of the initial inspection.~~

~~§ 50.37 INSPECTIONS.~~

~~—The user's system must be open for inspection at all reasonable times, and in all emergencies to authorized representatives of the Department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Department may deny or immediately discontinue service to the premises by providing a physical break in the service line until the user has corrected the condition in conformance with this subchapter.~~

~~§ 50.38 DISCONTINUANCE OF SERVICE.~~

~~—Service of water to any premises may be discontinued by the Department if a backflow prevention assembly required by this section is not installed, tested and maintained; if it has been found that a backflow prevention assembly has been removed or bypassed; or if a cross-connection exists on the premises. Service will not be restored until the conditions or defects are corrected. The town may also terminate a user's service upon 20 days notice in writing in non-emergency cases.~~

~~§ 50.39 EXISTING DEVICES AND USERS.~~

~~——(A) If the Department determines that a user's backflow prevention assembly does not meet current standards, the user shall retrofit his assembly so that it will meet current standards.~~

~~——(B) Users that have water service prior to the effective date of this subchapter are subject to all requirements imposed by this subchapter.~~

~~§ 50.40 DISCLAIMER OF LIABILITY.~~

~~—This subchapter shall not create any liability or duty on the part of the town, any officer or employee.~~

EXHIBIT 4 - RATES, CHARGES AND BILLING

~~§ 50.50 MINIMUM CHARGE.~~

~~— (A) The town shall require the payment of the initial or minimum charge, as provided in the rate schedule, for each meter installed, regardless of location. The town shall require a separate meter reading sheet for each meter installed, each meter reading sheet covering a separate and individual account.~~

~~— (B) The town shall require the payment of the minimum monthly charge which shall be the regular monthly charge for the meter size used, for service to mobile home parks, camp grounds or multiple unit dwellings. The town shall bill for excess water at the authorized rates.~~

~~— (C) If a consumer takes exception to this method of an established minimum charge, the consumer may, upon paying to the town the regular connection charge and deposit for each meter requested, request that a meter be installed for each residential unit. The town may, in its discretion, require installation of a meter for each residential unit.~~

~~— (D) If service is requested for a location for a consumer, or for any member of the consumer's household, who has ordered a service disconnection at that same location within the preceding 12 month period, a non-refundable charge of \$75 shall be required as a precondition to the service.~~

[The provisions of this section are covered by 50.52, Water Rates, and the Fees and Charges Schedule.]

§ 50.51 INSTALLATION; METER ADVANCES.

(A) The town shall run a service line from the town's distribution line to the property line if its distribution line exists and runs adjacent and parallel to the property to be served. ~~Each consumer shall pay to the town the sum set forth in the rate schedule for service.~~

(B) The town shall install the meter at the property line or, at the town's option, on the consumer's property, or in a mutually agreed upon location.

[The last sentence of A is unnecessary because customers must pay all of the fees in the Fees and Charges Schedule.]

§ 50.52 RATE SCHEDULE AND DEPOSITS.

The town shall require various payments for connection fees, deposits and usage rates, according to a schedule as determined by resolution of the Council. ~~The connection fees, deposits and usage rates shall be changed periodically by the Council through resolution, according to the changing costs to the town in supplying the service, and to afford protection to the town for non-payment of bills.~~

[The last sentence of A is unnecessary because customers must pay all of the fees in the Fees and Charges Schedule.]

§ 50.53 METER READING, BILLING AND COLLECTING.

(A) Meters shall be read and bills shall be rendered monthly.

~~(B) Bills for water shall be computed in accordance with the town's authorized rate schedule and shall be based on the amount of water consumed for the period covered by the meter readings, except that, where consumer requests a turn-on or a turn-off resulting in a period of availability of service of less than one month, the town may bill the consumer the minimum charge for one month's full service.~~

(BE) Charge for service shall commence when the meter is installed and connection made, whether used or not.

(CD) Readings from different meters shall not be combined for billings, irrespective of the fact that the meters may be for the same premises, for the same or different consumers or for the same or different services.

(DE) Bills shall be due when rendered and shall be delinquent 15 days thereafter. It is the policy of the town to discontinue utility service to consumers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills.

(E1) If any bill becomes delinquent, a second bill will be mailed containing a cutoff notice, stating that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment.

(F2) Any consumer disputing the correctness of a bill shall have a right to a hearing at which time the consumer may be represented in person, ~~and~~ by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the consumer's service not be discontinued and shall have the authority to make a final determination of the consumer's complaint.

~~(3) Requests for delays or waiver of payment will not be entertained at this hearing; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.~~

(G4) When it becomes necessary for the ~~city~~ town to discontinue utility service to a consumer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as determined by the Council, ~~in the sum of \$20.~~

(HF) Consumer's bills shall become delinquent despite consumer's failure to receive bills or notices, and consumer shall not be relieved of his or her obligation therein due to his or her failure to receive bills or notices.

~~(G) If consumer believes the bill is in error, he or she shall present a claim to the town before the bill becomes delinquent.~~

(H) The town shall make special meter readings at the request of a consumer for a fee as determined by the Council, of \$5, provided that, if the special reading discloses that the meter was over-read, no charge shall be made.

(J) Meters shall be tested at a consumer's request. Consumer shall pay to the town an amount determined by the Council ~~the actual cost of the test~~, provided that, if the test discloses that the meter over-registered beyond 3% of the correct volume, no charge shall be made. The town shall add the amount of the cost to consumer's bill and, if the amount is not paid, the town shall discontinue service to consumer.

(K) If the seal of a meter is broken by anyone other than the town's representative, consumer shall pay an amount estimated from the record of consumer's previous bills or from other proper data.

(L) If a meter fails to register or stops for any cause for which consumer is not responsible, consumer shall pay an amount estimated from the record of consumer's previous bills or from other proper data until the meter is repaired or replaced.

~~(L) Service discontinued for delinquency of bills shall be restored after all due bills are paid in full, re-deposit made, if required, and a service charge of \$10 for each service re-established.~~

[Changes are made to conform with the Council's annual adoption of fees and charges. L is repetitive of E(4).]

EXHIBIT 5 - WATER DEVELOPMENT FEES

[Section 50.55 through 50.59 are not being reviewed now because they will be repealed when the replacement Development Impact Fees are adopted.]

EXHIBIT 6 - WATER CONSERVATION

[The entire Water Conservation Section has been rewritten. See the table at the end of this exhibit for a comparison of the location of the major provisions of the current and revised Water Conservation Section.]

§ 50.60 DECLARATION OF POLICY.

The Town of Payson has a limited water supply and it is necessary for the town to protect its limited water supply. The Town encourages all of its citizens to conserve water and finds that it is necessary to implement certain water conservation measures.

§ 50.61 WATER CONSERVATION COMPLIANCE.

It shall be unlawful for any customer of the Water Division to knowingly use or permit the use of water supplied by the Water Division in a manner contrary to any provision of this subchapter.

§ 50.62 INDOOR CONSERVATION.

(A) Leakage - Water system leaks from private water lines creating waste shall be repaired by the owner within 15 days of a repair notification by the Water Division. Proof of repair shall be provided to the Water Division.

(B) Clothes Washers - High efficiency washers must be installed in all new multi-family and commercial laundry facilities.

(C) Water closets. Water closets, either flush tank, flushometer tank, or flushometer valve operated, shall have an average consumption of not more than 1.6 gallons (6.1 liters) of water per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons per flush shall not be used to satisfy this requirement.

(D) Urinals. Urinals shall be installed in all new public, commercial, multi-family residential common-use, and commercial and industrial building restroom remodels. All such Urinals shall utilize no more than 16 ounces per flush.

(E) Non-metered faucets. Lavatory and kitchen faucets shall be equipped with aerators and shall not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute.

(F) Metered faucets. Self-closing or self-closing metered faucets shall be installed on lavatories intended to serve the transient public. Metered faucets shall deliver not more than 0.25 gallons (1.0 liters) of water per use.

(G) Shower heads. Shower heads shall not exceed a water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety showers are exempted from this provision.

(H) Recirculation and reuse systems. New construction, remodeling, or retrofit of evaporative cooling systems and decorative water fountains shall be equipped with recirculation systems. New construction of car washes shall be equipped with recycling and reuse systems.

(I) Chilled water/cooling towers. The use of chilled water and cooling towers for space cooling and commercial and industrial cooling purposes is prohibited.

(J) Hot water heaters. Hot water heaters in new construction shall be installed not more than 40 feet from any hot water using fixture or appliance, or more than 50 feet if water pipe of less than 3/4" diameter is used for a minimum of 50% of the total pipe length. This requirement does not apply if a hot water recirculating system is installed.

(K) Fixture Installation. Water-conserving fixtures shall be installed in accordance with the manufacturer's instructions to maintain their rated performance.

(L) Eating establishments. All public and private eating establishments shall provide water or other beverages only upon request of a customer. Eating establishments serving beverages in single-serving containers shall only serve an accompanying glass if requested by the customer. These provisions shall be communicated to the customer in at least one of the following manners: on the menu, by use of a "table tent" or similar signage on the table, or by posting in a location clearly visible to all customers. All persons and entities providing catering and banquet services shall comply with the provisions of this subsection.

(M) Reverse Osmosis. The use of reverse osmosis water treatment equipment in conjunction with drinking water vending machines and commercial ice making equipment is prohibited.

§ 50.63 OUTDOOR CONSERVATION.

(A) Artificial water features. New artificial water features utilizing potable water, such as ponds, lakes, water courses, and other types of water features larger than 500 gallons are prohibited. All permitted water features must be equipped with a recirculating pump.

(B) Irrigation. Flood irrigation is prohibited. All other methods of irrigation shall be designed and maintained such that water does not leave the property being irrigated.

(C) Automatic shutoff nozzles. All hoses used for hand watering, car washing, or other outdoor uses shall be equipped with an automatic shutoff nozzle.

(D) Turf/grass areas prohibited. The planting, establishment, or expansion of turf or grass areas, whether from seed or sod, is prohibited. THIS SUBSECTION SHALL AUTOMATICALLY BE REPEALED UPON THE WATER DIVISION MANAGER PRESENTING TO THE COUNCIL AT A PUBLIC MEETING A LETTER INDICATING THAT WATER FROM THE CC CRAGIN RESERVIOR IS AVAILABLE FOR USE IN THE TOWN'S WATER SYSTEM.

§ 50.64 RESTRICTIONS ON COMMERCIAL LANDSCAPING. (current)

(A) The use of plants not listed on the Town of Payson Native and Low Water Use Plant List for industrial, commercial, and multifamily residential landscaping is prohibited.

(B) 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 50.64 SHALL READ AS FOLLOWS UPON THE WATER DIVISION MANAGER PRESENTING TO THE COUNCIL AT A PUBLIC MEETING A LETTER INDICATING THAT WATER FROM THE CC CRAGIN RESERVIOR IS AVAILABLE FOR USE IN THE TOWN'S WATER SYSTEM.

§ 50.64 RESTRICTIONS ON COMMERCIAL LANDSCAPING. (upon availability of C.C. Cragin water)

(A) It is recommended that all industrial, commercial, and multifamily developments use landscaping listed on the Town of Payson Native and Low Water Use Plant List.

(B) All new commercial, industrial, and multifamily developments shall use smart controllers (programmable, climate based) for their landscape irrigation projects.

§ 50.65 WATER WASTE AND FUGITIVE WATER.

(A) Water waste prohibited. No customer shall cause or permit to occur any water waste.

(B) Fugitive water flow prohibited. No customer shall cause or permit the occurrence of fugitive water.

(C) Unforeseeable events. For unforeseeable or unpreventable failure or malfunction of plumbing or irrigation hardware causing water waste or fugitive water, the town shall issue a warning notice prior to taking enforcement action.

(D) Exemptions. "Water waste" and "Fugitive Water" shall not include:

- (1) Flow from fire fighting, routine hydrant inspection or fire training activities.
- (2) Water to abate spills of flammable or hazardous materials.
- (3) Water to prevent or abate health, safety, or accident hazards.
- (4) Flow resulting from a routine inspection or maintenance of the water utility system.
- (5) Water used by the town in the installation, maintenance, repair, or replacement of public facilities and structures including, but not limited to, traffic control devices, storm and sanitary sewer structures, and road or street improvements.
- (6) Storm run-off, including snowmelt run-off
- (7) Flow resulting from temporary town water utility system failures or malfunctions.
- (8) Flow resulting from vandalism, high winds, emergencies, and acts of God.

(9) The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware.

(E) The Water Division may issue administrative policies as may be needed to clarify what is water waste and fugitive water.

§ 50.66 RESTRICTIONS DURING TIMES OF SHORTAGE.

(A) The Town Manager, upon recommendation of the Water Division Manager is authorized to declare or rescind Water Conservation Levels based upon the Resource Status Levels set forth below.

(B) The following Resource Status Levels are hereby prescribed:

(1) Resource Status Level I: When water demand is equal to or less than safe production capability. When Resource Status Level I is reached, Water Conservation Level I shall be declared.

(2) Resource Status Level II: When demand is greater than safe production capacity for three consecutive days. When Resource Status II is reached, Water Conservation Level II shall be declared.

(3) Resource Status Level III: When demand is greater than safe production capacity for two consecutive weeks. When Resource Status III is reached, Water Conservation Level III shall be declared.

(4) Resource Status Level IV: When demand exceeds the total available water resources production capacity. Resource Status Level IV shall require the enactment of additional water use restrictions. These restrictions shall be determined by the town in an amount necessary to reduce water demand to a safe level..

(C) Conservation Levels:

(1) Conservation Level I: Conservative Water Usage. Water users are encouraged to minimize waste in water used for irrigation, vehicle washing, construction and other water consuming activities.

(2) Water Conservation Level II: Water Usage Restrictions. The following water uses are restricted or prohibited:

(a) Irrigate, wash vehicles, fill or refill pools, spas or wading pools as provided in subsection (E) below.

(b) Use ornamental fountains except if equipped with a recycling pump and subject to restrictions contained in subsection (E) below.

(c) Use water from a fire hydrant except for emergencies or upon the written approval of the Water Division Director and the Fire Chief.

(d) Wash paved areas such as drives, sidewalks, or tennis courts, except for health, safety or welfare.

(3) Water Conservation Level III: Water Usage Reductions. In addition to the restrictions set forth in Level II above, the following water uses are prohibited.

(a) Fill or refill swimming pools, spas, or wading pools.

(b) Irrigate with potable water.

(c) Wash vehicles. No restrictions apply to vehicles that must be washed for public health, safety or welfare or to commercial car washes.

(d) Water misters.

(e) Use potable water for dust control on public or private streets or capital improvement projects.

(f) Use potable water in violation of any other restriction deemed necessary by the Town Council for the purpose of protecting the welfare of the citizens of the Town.

(D) Reduction in anticipated water use.

(1) Water Conservation Level I: up to 5% reduction in anticipated water use.

(2) Water Conservation Level II: up to 15% reduction in anticipated water use.

(3) Water Conservation Level III: 30% reduction in anticipated water use.

(E) Outdoor irrigating periods during Conservation Level II. If Conservation Level II is in effect, the following requirements for outdoor irrigation of landscaping shall be followed:

(1) Outdoor irrigation with potable water is prohibited between 9:00 a.m. and 6:00 p.m.

(2) The Water Division Manager may institute "odd-even" irrigation restrictions. In such case, odd-numbered addresses may irrigate only on Tuesdays, Thursdays and Saturdays. Even-numbered addresses may irrigate only on Wednesdays, Fridays and Sundays. For a location lacking an identifiable odd- or even-numbered address, the owner or managing agent shall select an odd-even schedule to which it chooses to adhere provided the Water Division is so notified. A large irrigation user may designate a portion of its landscape area as "odd" and a portion as "even" if active use of the landscaping and/or water pressure limitations constrains the user's ability to irrigate the entire landscaped area in either an odd or even day, provided the Water Department is so notified.

(3) Nursery stock. Plants being irrigated for retail or wholesale sales are exempt from the restrictions imposed in subsections (1) and (2) above.

§ 50.67 CONSERVATION AWARENESS.

(A) Restroom and shower facilities. Public, semi-public, and governmental restroom and shower facilities shall post at least one water conservation sign in each restroom and shower facility not less than eight and one-half inches by 11 inches. Such entities may use a town-provided sign or develop their own sign using town-provided text, the text of which shall cite this subchapter. A "public facility" shall not include those facilities used solely by the employees of an entity. A "semi-public facility" shall include all private clubs and fraternal organizations.

(B) Lodging guest rooms. Hotels, motels and other lodging facilities shall provide a water conservation informational card or brochure in a visible location in each guest room. Such facilities may use town-provided literature or develop their own using town-provided text. Lodging facilities shall not provide daily linen and towel changing for those guests staying multiple nights unless a guest specifically requests each day that the linen and towels be changed.

(C) Nurseries. Retail plant nurseries shall provide their end-use customers with town-provided low water use landscape literature and water efficient irrigation guidelines at the time of sale of any outdoor perennial plants. An “end-use customer” is the person or persons who will ultimately own the plant material. A landscape contractor or architect is not an end-use customer. In order to facilitate the purchasing of low water use plants, nurseries are strongly encouraged to tag or sign their low water use plants that require little to no supplemental watering once established. *[For the sale of all turf or grass seed or sod, the end-use customer shall be given town-provided literature indicating the restrictions to planting water consumptive turf. The establishment of turf, from either sod or seed or expansion of existing turf areas, is expressly prohibited.]* Signs provided by the retailer or the town shall be prominently displayed indicating this restriction on turf. Landscape contractors, maintenance companies, and architects shall provide their prospective clients with town-provided low water use landscape literature and water efficient irrigation guidelines at the time of presenting a service contract to the prospective client. Landscape professionals are strongly encouraged to educate their customers regarding the operation of their timed irrigation systems. NOTE THE BRACKETED, ITALICIZED PORTION OF THIS SUBSECTION SHALL AUTOMATICALLY BE REPEALED UPON THE WATER DIVISION MANAGER PRESENTING TO THE COUNCIL AT A PUBLIC MEETING A LETTER INDICATING THAT WATER FROM THE CC CRAGIN RESERVIOR IS AVAILABLE FOR USE IN THE TOWN’S WATER SYSTEM.

(D) Real estate transactions. Title companies and other organizations which close real estate transactions are encouraged to provide each person or entity purchasing property within the town with town-provided indoor and outdoor conservation literature at the time of closing.

(E) Permits. Departments of the town shall provide indoor and outdoor conservation literature to:

- (1) All persons applying for a building permit.
- (2) All customers initiating new water service from the Water Division.

§ 50.68 ENFORCEMENT.

This subchapter may be enforceable through one or more of the following ways: payment of administrative fees, termination of service and prosecution in the Payson Magistrate Court.

(A) Administrative fees. Customers who violate any provision in this subchapter may be assessed an administrative fee for each such violation. Such fees shall be assessed on the customer's water bill. All violations on a single date at a single customer address shall constitute a single offense and each day that a violation occurs shall be considered a separate offense under this subchapter.

- (1) Amount of administrative fees. The administrative fees shall be as determined by Council.
- (2) Right to appeal. Each customer who is assessed an administrative fee shall have the right to appeal the imposition of such fee by filing a written notice of appeal with the Water Division within ten calendar days of receiving the water bill containing the administrative fee. Within ten calendar days following receipt of such notice of appeal, the Division Manger shall set a date for hearing the appeal, which shall occur not later than 30 days after receipt of the

written notice of appeal. The customer shall be notified in writing of the time and place of such hearing and such notification shall be made to the last billing address of such customer. The appeal shall be informal and shall be heard by the Division Manager. The Division Manager's decision shall be final.

(B) Termination of service. The town may terminate or suspend water service to property owned or controlled by a customer in violation of this subchapter. The Division Manager shall cause a notice of water termination to be served upon the violating party stating that service will be discontinued in five calendar days from the day of service unless a hearing is requested. A hearing may be requested by delivery of a request in writing to the Town Manager within 5 calendar days. If a hearing is requested, the Town Manager shall convene a hearing within three days. The requesting party may appear before the Town Manager and may present such evidence and reasons such party may have for not effectuating a termination or suspension of water service and may bring to the hearing such other persons or evidence as such party may desire. After hearing, and upon finding that such a violation has occurred, the Town Manager may order that water service be terminated or suspended pending compliance with this subchapter.

(C) Emergency termination of service. When a violation of this subchapter occurs, and the Division Manager determines that the specific circumstances of the violation are of such a serious nature as to require immediate measures and abatement, the Division Manager may take steps to temporarily shut off the water source or discontinue the water service to the property where the violation is occurring. In such cases, the Division Manager shall cause a notice of water termination to be served upon the violating party at the time of emergency termination of services. The violating party shall have the right to appeal such action as provided in subsection (B) above.

§ 50.69 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

FUGITIVE WATER. The pumping, flow, release, escape, or leakage of any potable water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of-way, arroyo, or other water course, natural or manmade. FUGITIVE WATER also means, during the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface. Excluded from this definition is incidental runoff caused by vehicle washing (provided that a positive shut-off nozzle is used), the periodic draining of swimming pools and spas, and the intentional washing of hard surfaces for an explicit public health, safety, or sanitation purpose as approved by the Water Division Manager.

GREY WATER. Household wastewater other than from water closets and kitchen sinks.

NONPOTABLE WATER. Water which does not meet nationally recognized standards for human consumption.

POTABLE WATER. Water which, according to the town, meets nationally recognized standards for human consumption.

PRIVATE EATING ESTABLISHMENT. Any establishment which admits a limited or restricted portion of the public and which serves food and washes dishes.

PUBLIC EATING ESTABLISHMENT. Any establishment which admits the public generally with no limitations or restrictions and which serves food and washes dishes.

SAFE PRODUCTION CAPACITY. 90% of the total available water resources, based upon distribution components, storage reserves, weather conditions and historic data.

WASTE. Any non-beneficial use of water within the town limits including that caused by the pumping of wells. WASTE includes, but is not limited to, the following: leaks in an indoor or outdoor plumbing system (faucets, hose bibs, showerheads, toilets, and the like) in excess of 0.25 gallons per minute. Residential water users, both single family and multi-family are excluded from the indoor plumbing portion of this definition.

WASTEWATER. For purposes of this chapter means the liquid and water carried waste or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions whether treated or untreated.

WATER DIVISION OR DIVISION. The Town of Payson Water Division.

[current conservation section being repealed.]

~~§ 50.75 DECLARATION OF POLICY.~~

~~—— (A) The Town of Payson has a limited water supply.~~

~~—— (B) It is necessary for the town to protect its limited water supply to allocate and monitor water use to both existing, pending and future development within its jurisdictional boundaries to ensure the continuing economic development and stability of the town.~~

~~—— (C) It is necessary to require that the town implement conservation measures and to require that water is utilized in the maximum beneficial way and that waste, unreasonable use, or unreasonable methods of use of water be prevented.~~

~~—— (D) This subchapter is a fair and reasonable means of achieving, and substantially advances, the public purposes set forth in this subchapter, and has been drafted to provide the controls necessary to accomplish the stated public purposes.~~

~~—— (E) Conservation of water is in the interests of the town and its citizens and promotes the public welfare.~~

~~—(F) This subchapter is adopted pursuant to the authority vested in the Town of Payson by the Arizona Revised Statutes to maintain and operate a water system and provide the town with water.~~

~~—(G) This subchapter shall apply to all water whether potable or effluent and all citizens, businesses and governmental entities within the corporate limits of the town and all customers of the Water Department wherever situated. All provisions of this subchapter related to water surcharges shall apply to all persons, customers, and property served by the Water Department wherever situated.~~

~~§ 50.76 WATER CONSERVATION COMPLIANCE.~~

~~—It shall be unlawful for any customer of the Town of Payson Water Department to, and no customer of the Town of Payson Water Department shall, knowingly make, cause, use or permit the use of water from the town for residential, commercial, industrial, agricultural or any other purpose in a manner contrary to any provision of this subchapter, or in an amount in excess of that use permitted under any water conservation level declared in accordance with this subchapter.~~

~~§ 50.77 DEFINITIONS.~~

~~—For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.~~

~~—ALLOWED DAYS. Days on which irrigation may be done. Odd numbered addresses may irrigate only on Tuesdays, Thursdays and Saturdays. Even numbered addresses may irrigate only on Wednesdays, Fridays and Sundays.~~

~~—EFFLUENT. Treated wastewater, whether publicly or privately owned.~~

~~—FUGITIVE WATER. The pumping, flow, release, escape, or leakage of any potable water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right of way, arroyo, or other water course, natural or manmade. FUGITIVE WATER also means, during the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface. Excluded from this definition is incidental runoff caused by vehicle washing (provided that a positive shut off nozzle is used), the periodic draining of swimming pools and spas, and the intentional washing of hard surfaces for an explicit public health, safety, or sanitation purpose as approved by the Water Superintendent.~~

~~—GREY WATER. Household wastewater other than from water closets and kitchen sinks.~~

~~—PRIVATE EATING ESTABLISHMENT. Any establishment which admits a limited or restricted portion of the public and which serves food and washes dishes.~~

~~—PUBLIC EATING ESTABLISHMENT. Any establishment which admits the public generally with no limitations or restrictions and which serves food and washes dishes.~~

~~—WASTE. Any non-beneficial use of water within the town limits including that caused by the pumping of wells. WASTE includes, but is not limited to, the following: leaks in an indoor or outdoor plumbing system (faucets, hose bibs, showerheads, toilets, and the like) in excess of 0.25 gallons per minute. Residential water users, both single family and multi-family are excluded from the indoor plumbing portion of this definition.~~

~~—WASTEWATER. For purposes of this chapter means the liquid and water-carried waste or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions whether treated or untreated.~~

~~—WATER DEPARTMENT. The Town of Payson Water Department.~~

~~§ 50.78 RESTRICTIONS DURING WATER SHORTAGE.~~

~~—(A) The Town Manager, upon the recommendation of the Water Superintendent, is hereby authorized to declare or rescind Water Conservation Levels in conformity with and based upon the Resource Status Levels set forth hereinbelow which assess the relationship between water demand and municipal safe production capability. Safe production capability is 90% of the total available water resources, based upon distribution components, storage reserves, weather conditions and historic data.~~

~~—(B) The following Resource Status Levels are hereby prescribed:~~

~~—(1) Resource Status I: When water demand is equal to or less than safe production capability. Resource Status I shall correspond with Water Conservation Level I. When Resource Status I is reached, Water Conservation Level I shall be declared.~~

~~—(2) Resource Status II: When demand is greater than safe production capability for three consecutive days. Resource Status II shall correspond with Water Conservation Level II. When Resource Status II is reached, Water Conservation Level II shall be declared.~~

~~—(3) Resource Status III: When demand is greater than safe production capability for two consecutive weeks. Resource Status III shall correspond with Water Conservation Level III. When Resource Status III is reached, Water Conservation Level III shall be declared.~~

~~—(4) Resource Status IV: When water demand exceeds total production capability. Resource Status IV shall require the enactment of additional water use restrictions. These restrictions shall be determined by the town 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 Town Council.~~

~~—(C) The following Water Conservation Levels shall govern the use of water by customers of the Payson Water Department, as prescribed below:~~

~~—(1) Conservation Level I: Water restrictions. Water users are specifically encouraged to minimize waste in water used for irrigation, vehicle washing, construction and other water-consuming activities. The following water uses are restricted or prohibited:~~

~~—(a) Irrigate, wash vehicles, fill or refill pools, spas or wading pools except as provided in this subchapter and subject to the restrictions contained in § 50.83.~~

~~—(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) Irrigate golf courses except before 9:00 a.m. and after 6:00 p.m. No restrictions apply if treated effluent is used.~~

~~_____ (d) Use ornamental fountains except if equipped with a recycling pump and subject to restrictions contained in § 50.83.~~

~~_____ (e) Use water from a fire hydrant except for emergencies or upon the written approval of the Water Superintendent and Fire Chief; and except for such use associated with firefighting activities, public health, safety or welfare.~~

~~_____ (f) No person shall wash paved areas such as drives, sidewalks, or tennis courts, except for health or safety reasons.~~

~~_____ (2) Water Conservation Level II: Water reductions. In addition to the restrictions set forth in Level I above, the following water uses are further restricted or prohibited. No person shall:~~

~~_____ (a) Fill or refill swimming pools, spas, or wading pools.~~

~~_____ (b) Irrigate golf courses. No restrictions apply if treated effluent is used.~~

~~_____ (c) Wash vehicles, paved areas, or use fire hydrants on a non-emergency basis without written approval of the Water Superintendent and Fire Chief. No restrictions apply to vehicles that must be washed for public health, safety or welfare, or to commercial car washes.~~

~~_____ (d) Irrigate outdoors except as permitted pursuant to § 50.83.~~

~~_____ (3) Water Conservation Level III: Water curtailments. The following water uses are restricted or prohibited. No person shall:~~

~~_____ (a) Do any of the acts prescribed in Levels I and II above.~~

~~_____ (b) Use any potable water for irrigation.~~

~~_____ (c) Use fire hydrants, wash pavements, fill or refill pools or spas 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 Town Council for the purpose of protecting the welfare of the citizens of the town.~~

~~_____ (4) Reduction in anticipated water use. The foregoing water conservation levels shall be utilized to achieve the following respective reductions in anticipated water use:~~

~~_____ (a) Water Conservation Level I: up to 5% reduction in anticipated water use.~~

~~_____ (b) Water Conservation Level II: 10% reduction in anticipated water use.~~

~~_____ (c) Water Conservation Level III: 30% reduction in anticipated water use.~~

~~_____ (D) In addition to the restrictions set forth above, the town shall establish yearly water conservation goals and implement such water conservation measures as may be appropriate for any year in which precipitation levels for the previous year fall below 22 inches of precipitation as measured by the National Weather Service. On or before May 1 of each year, the Water Department shall report to the Town Council the amount of precipitation, as measured by the National Weather Service, for the immediately previous 12-month period. The Water Department shall report the amount of precipitation for such period, whether it is above or below 22 inches for the period, and the percentage variation from 22 inches of precipitation for each such 12-month period. In the event that the precipitation level for any such yearly period is less than 22 inches, the water restrictions provided for in this section, or so many of such restrictions as may be necessary, shall be implemented immediately to reduce water demand, defined as a percentage, in an amount equal to the reported percentage shortfall of precipitation.~~

~~———— (E) Reserved.~~

~~§ 50.79 ENFORCEMENT.~~

~~—The provisions in this subchapter shall be enforceable in three ways: payment of administrative fees, termination of service and prosecution as a civil violation in the Town of Payson Magistrate Court.~~

~~———— (A) Administrative fees. Customers of the Water Department who violate any provision in this subchapter may be assessed an administrative fee for each such violation, whether the same occurs inside or outside of the town limits. Such fees shall be assessed on the customer's water bill. All violations on a single date at a single customer address shall constitute a single offense under this subchapter and each day that a violation occurs shall be considered a separate offense under this subchapter.~~

~~———— (1) Amount of administrative fees. The administrative fees which may be assessed pursuant to this subchapter shall be as follows:~~

~~———— (a) Twenty dollars for the first violation at a single address of a Water Department customer;~~

~~———— (b) Fifty dollars for a second violation at the same customer address;~~

~~———— (c) One hundred dollars for a third violation at the same customer address; and~~

~~———— (d) Two hundred dollars for the fourth and each additional violation at the same customer address.~~

~~———— (2) Right to appeal. Each customer who is assessed an administrative fee as provided in this subchapter shall have the right to appeal the imposition of such fee by filing a written notice of appeal with the town Water Department within ten days of receiving the water bill containing the administrative fee which has been imposed. Within ten days following receipt of such notice of appeal, the Water Superintendent shall set a date for hearing the appeal, which shall occur not later than 30 days after receipt of the written notice of appeal. The customer against whom an administrative fee has been imposed shall be notified in writing of the time and place of such hearing and such notification shall be made to the last billing address of the appealing party shown on the Water Department billing records. The appeal shall be informal and shall be heard by the Water Superintendent, whose decision shall be final.~~

~~———— (B) Termination of service. In addition to any other legal or equitable remedy to enforce the provisions of this subchapter, the town may terminate or suspend water service to property owned or controlled by any party in violation of any provision in this subchapter. The Town Manager or the Water Superintendent may cause a notice of water termination to be served upon the violating party stating that service will be discontinued in five calendar days from the day of service unless a hearing is requested. A hearing may be requested by delivery of a request in writing to the Town Manager, which shall be received by the Town Manager, on or before the expiration of the five calendar day period. If a hearing is requested, the Town Manager shall convene a hearing within three days of the written request. The requesting party may appear before the Town Manager and may present such evidence and reasons such party may have for not effectuating a termination or suspension of water service and may bring to the hearing such other persons or evidence as such party may desire. After hearing, and upon finding that such a violation has occurred, the Town Manager may order that water service be terminated or suspended pending compliance with the provisions in this subchapter.~~

~~————(C) Emergency termination of service. When a violation of this chapter occurs, and the Water Superintendent or his or her designee determines that the specific circumstances of the violation are of such a serious nature as to require immediate measures and abatement, the Water Superintendent or his or her designee may take steps to temporarily shut off the water source or discontinue the water service to the property where the violation is occurring. In such cases, the Water Superintendent shall cause a notice of water termination to be served upon the violating party at the time of emergency termination of services. The violating party, upon service of such notice of emergency termination, shall have the right to request hearings concerning such action as provided in division (A) above. The town may effect such emergency measures by entry upon private premises if the water service or town meter is located on private premises. Any violation of this subchapter which depletes the water system during a period that Water Conservation Level II or III is in effect shall be deemed to deplete water essential to maintain fire flows and shall be cause for immediate emergency termination of water service pursuant to this subchapter. Persons who violate any provision in this subchapter who are not Town of Payson municipal water users shall be subject to prosecution as set forth in § 50.99.~~

~~————(D) Prosecution of any violation of this subchapter as a civil violation shall be done in accordance with § 50.99.~~

~~§ 50.80 CONSERVATION SIGNAGE AND LITERATURE DISTRIBUTION.~~

~~————(A) Restroom and shower facilities. Public, semi public, and governmental restroom and shower facilities shall post not less than one water conservation sign in each restroom and shower facility, the size of which shall not be less than eight and one half inches by 11 inches. Such entities may use a town provided sign or develop their own sign using town provided text, the text of which shall cite this subchapter. A "public facility" shall not include those facilities used solely by the employees of an entity. A "semi public facility" shall include all private clubs and fraternal organizations.~~

~~————(B) Guest rooms. Hotels, motels and other lodging facilities shall provide a water conservation informational card or brochure in a visible location in each guest room. Such facilities may use town provided literature or develop their own using town provided text. Lodging facilities shall not provide daily linen and towel changing for those guests staying multiple nights unless a guest specifically requests each day that the linen and towels be changed.~~

~~————(C) Nurseries. Retail plant nurseries shall provide their end-use customers with town-provided low water use landscape literature and water efficient irrigation guidelines at the time of sale of any outdoor perennial plants. An "end-use customer" is the person or persons who will ultimately own the plant material. A landscape contractor or architect is not an end-use customer. In order to facilitate the purchasing of low water use plants, nurseries are strongly encouraged to tag or sign their low water use plants that require little to no supplemental watering once established. For the sale of all turf or grass seed or sod, the end-use customer shall be given town provided literature indicating the restrictions to planting water consumptive turf. The establishment of turf, from either sod or seed or expansion of existing turf areas, is expressly prohibited. Signs, provided by the retailer or the town shall be prominently displayed~~

~~indicating this restriction on turf. Landscape contractors, maintenance companies, and architects shall provide their prospective clients with town-provided low water use landscape literature and water efficient irrigation guidelines at the time of presenting a service contract to the prospective client. Landscape professionals are strongly encouraged to educate their customers regarding the operation of their timed irrigation systems.~~

~~———— (D) Real estate transactions. Title companies and other organizations which close real estate transactions shall provide each person or entity purchasing a home, business, or real property within the town with town-provided indoor and outdoor conservation literature at the time of closing.~~

~~———— (E) Permits. Departments of the town shall provide indoor and outdoor conservation literature to:~~

~~———— (1) All persons applying for a building permit.~~

~~———— (2) All customers initiating new water service from the Water Department.~~

~~§ 50.81 INDOOR CONSERVATION.~~

~~———— (A) Water system leaks from private water lines creating waste shall be repaired by the owner within 15 days of a repair notification by the Water Department. Proof of repair shall be provided to the Water Department upon completion of the repair.~~

~~———— (B) High efficiency washers must be installed in all new multi-family and commercial laundry facilities.~~

~~§ 50.82 WATER CONSERVATION PLUMBING STANDARDS.~~

~~— For all new construction, remodeling, and all replacements of existing plumbing fixtures, the water conservation plumbing standards set out in this section shall be met. All existing water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by January 1, 2005. Single and multi-family residential water users shall be exempt from this retrofit requirement.~~

~~———— (A) Water closets. Water closets, either flush tank, flushometer tank, or flushometer valve operated, shall have an average consumption of not more than 1.6 gallons (6.1 liters) of water per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons per flush shall not be used to satisfy this requirement.~~

~~———— (B) Urinals. Waterless urinals shall be installed in all new public, commercial, multi-family residential common use, and commercial and industrial building restroom remodels. Retrofits at such locations shall convert existing urinals to waterless urinals. Certain plumbing configurations (i.e., back-to-back) may benefit from the installation of an ultra-low flush urinal (16 ounces per flush), and will be allowed with the approval of the Water Superintendent.~~

~~———— (C) Non-metered faucets. Lavatory and kitchen faucets shall be equipped with aerators and shall be designed and manufactured so that they will not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute.~~

~~———— (D) Metered faucets. Self-closing or self-closing metered faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service~~

stations, airports, restaurants, bars, parks, golf courses, and convention halls. Metered faucets shall deliver not more than 0.25 gallons (1.0 liters) of water per use.

~~————(E) Shower heads. Shower heads shall be designed and manufactured so that they will not exceed a water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety showers are exempted from this provision.~~

~~————(F) Requirements for certain recirculating systems in new construction or remodeling or retrofit of existing equipment. New construction or remodeling or retrofit of existing equipment shall be equipped with recycling or reuse systems for the following water service receiving equipment: evaporative cooling systems, decorative water fountains, car washes, and commercial or industrial clothes washers. The use of chilled water and cooling towers for space cooling and commercial and industrial cooling purposes is prohibited.~~

~~————(G) Installation.~~

~~————(1) Water conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.~~

~~————(2) Hot water heaters. Hot water heaters in new construction shall be installed not more than 40 feet from the hot water using fixture or appliance to which the heater supplies hot water, or 50 feet if water pipe of less than 3/4" diameter is used for a minimum of 50% of the total pipe length connecting the water heater to the fixture or appliance. If a hot water recirculating system is installed, this requirement does not apply.~~

~~————(3) Reserved.~~

~~————(H) Authority to permit exceptions. The Water Superintendent shall have the authority to permit exceptions to the requirements in this section in any case that the Water Superintendent finds an exception is necessary to maintain adequate health and sanitation standards.~~

~~————(I) Eating establishments. All public and private eating establishments shall provide water or other beverages only upon request of a customer. Eating establishments serving beverages in single serving containers shall only serve an accompanying glass if specifically requested by the customer. These provisions shall be clearly communicated to the customer in at least one of the following manners: on the menu, by use of a "table tent" or similar signage on the table, or by posting in a location clearly visible to all customers. All persons and entities providing catering and banquet services shall comply with the provisions of this division.~~

~~————(J) The use of reverse osmosis water treatment equipment in conjunction with drinking water vending machines and commercial ice making equipment is prohibited.~~

~~§ 50.83 OUTDOOR CONSERVATION.~~

~~————(A) Outdoor irrigating periods. The following requirements for outdoor irrigation of landscaping shall be in effect throughout the year. Outdoor irrigation is prohibited between 9:00 a.m. and 6:00 p.m. In addition, if water supply and demand conditions indicate a need to manage demands more aggressively at any time, the Water Superintendent may institute "odd even" irrigation restrictions. In such case, odd-numbered addresses may irrigate only on Tuesdays, Thursdays and Saturdays. Even-numbered addresses may irrigate only on Wednesdays, Fridays~~

~~and Sundays. Except as provided in division (B) below, no irrigation restrictions apply if treated effluent is used. It is emphasized that most landscaping can remain healthy and attractive with much less frequent irrigating than the three days per week allowance. For a location lacking an identifiable odd or even numbered address, the owner or managing agent shall select an odd-even schedule to which it chooses to adhere provided the Water Department is so notified. A large irrigation user may designate a portion of its landscape area as "odd" and a portion as "even" if active use of the landscaping and/or water pressure limitations constrains the user's ability to irrigate the entire landscaped area in either an odd or even day, provided the Water Department is so notified.~~

~~_____ (B) Exemptions.~~

~~_____ (1) Water sources and irrigation methods. The following sources of water and types of irrigation methods and applications are exempt from the "odd-even" outdoor irrigation restrictions in division (A) above, should the Water Superintendent institute such restrictions. These sources and irrigation methods are not exempt from time of day irrigation restrictions:~~

- ~~_____ (a) Treated effluent applied by truck or other vehicle;~~
- ~~_____ (b) Water harvested from precipitation;~~
- ~~_____ (c) Grey water; and~~
- ~~_____ (d) The irrigation of outdoor plants which are in movable containers.~~

~~_____ (2) Nursery stock. Plants being irrigated for retail or wholesale sales are exempt from the restrictions imposed in division (A) above.~~

~~_____ (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-gallon capacity are prohibited. Water features less than 50-gallon capacity must be equipped with a recirculating pump.~~

~~_____ (2) 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 3,000 square feet is prohibited, except as otherwise authorized by the Water Superintendent when appropriate to maintain adequate health and manufacturing standards.~~

~~_____ (D) Authority to permit exceptions. The Water Superintendent has the authority to permit exceptions to the requirements of this section provided the water conservation objective is not compromised.~~

~~_____ (E) Potable water use for certain construction and landscaping purposes. For those construction and landscaping purposes permitted by the town to use treated wastewater, potable water use from a fire hydrant is prohibited, except for construction projects for which written approval has been granted by the Water Department. Treated wastewater from the Northern Gila County Sanitary District effluent fill station or other facility shall be used for such purposes.~~

~~———— (F) Charity car washes. Charity car washes are encouraged to utilize commercial car washing facilities which either recycle their water or which discharge all water into the sanitary sewer system.~~

~~———— (G) Automatic shutoff nozzles. Automatic shutoff nozzles are required for all hoses used for hand watering, car washing, or other outdoor uses.~~

~~———— (H) The use of plants not listed on the Town of Payson "Native and Low Water Use Plant List" for industrial, commercial, and multi-family residential landscaping is prohibited.~~

~~———— (I) Watering native plants is prohibited.~~

~~———— (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.~~

~~§ 50.84 WATER WASTE.~~

~~———— (A) Water waste prohibited. No person, firm, corporation, county, state, federal, or municipal facility or operation which is served by the Water Department shall cause or permit to occur any water waste.~~

~~———— (B) Unforeseeable events. For unforeseeable or unpreventable failure or malfunction of plumbing or irrigation hardware, the town shall generally issue a formal warning notice prior to taking enforcement action. Prior to taking formal enforcement action, the town may instruct the water user to not operate the faulty system until it is appropriately repaired. If operating the system is integral to the operation of the facility, the town may, in its discretion, provide a period of time in which to remedy the violation prior to commencing formal enforcement action. Once a warning notice or an initial citation has been issued for an outdoor occurrence, subsequent water waste events shall be subject to strict enforcement. Strict enforcement may include the issuance of citations and such other actions as the town deems necessary to bring the user into compliance. For indoor water waste events and for those water waste events outdoors caused by a faulty system which is integral to the operation of the facility, the waste must be abated within seven calendar days of the issuance of a warning notice. Enforcement action shall be commenced if the water waste continues to occur beyond the seven-day period.~~

~~———— (C) New turf areas prohibited. The planting or establishment of new turf areas and the expansion of existing turf areas, whether from seed or sod, is prohibited.~~

~~———— (D) Fugitive water flow prohibited. No person, firm, corporation, county, state, federal, or municipal or other government facility or operation shall cause or permit the occurrence of fugitive water.~~

~~———— (E) Exemptions.~~

~~———— (1) "Water waste" shall not include:~~

- ~~_____ (a) Flow resulting from fire fighting or routine inspection of fire hydrants or from fire training activities.~~
- ~~_____ (b) Water applied to abate spills of flammable or otherwise hazardous materials.~~
- ~~_____ (c) Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available.~~
- ~~_____ (d) Water which reaches or flows onto adjacent property or public or private right of way when caused by vandalism, wind, emergencies, or acts of God.~~
- ~~_____ (e) Flow resulting from a routine inspection or maintenance of the town water utility system.~~
- ~~_____ (f) Water used by the town in the installation, maintenance, repair, or replacement of public facilities and structures including, but not limited to, traffic control devices, storm and sanitary sewer structures, and road or street improvements.~~
- ~~_____ (g) Water used by contractors or utilities including, but not limited to, saw cutting of pavement, compaction, or other use required under terms of their contract.~~
- ~~_____ (h) Firefighter training activities for which written approval has been granted by the Water Department.~~
- ~~_____ (2) "Fugitive water" shall not include:~~
 - ~~_____ (a) Storm run off, including snowmelt run off, allowed under provisions of Article VIII SFCC 1987 14 90.4.~~
 - ~~_____ (b) Flow resulting from temporary town water utility system failures or malfunctions.~~
 - ~~_____ (c) Water applied, such as in the cleaning of hard surfaces, to prevent or abate public health, safety, or accident hazards when alternate methods are not available. The washing of outdoor eating areas and sidewalks is not included in this exemption.~~
 - ~~_____ (d) Flow resulting from vandalism, high winds, emergencies, and acts of God.~~
 - ~~_____ (e) The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware prior to the issuance of a formal warning notice issued to the water user. Once a formal warning notice has been issued, the water user is instructed not to operate the faulty system until it is appropriately repaired, unless operating the system is integral to the operation of the facility. Once a warning notice has been issued, subsequent fugitive water events at the same location will be subject to issuance of citations.~~

Conversion table

Current Conservation provisions --> proposed Conservation provisions

PROVISION	CURRENT	PROPOSED
Declaration of Policy	50.75	50.60
Conservation Compliance	50.76	50.61
Definitions	50.77	50.69
Restrictions During Shortage	50.78	50.66
Enforcement	50.79	50.68
Conservation Signage	50.80	50.67
Indoor Conservation	50.81	50.62
Water Conservation Plumbing	50.82	50.62
Outdoor Conservation	50.83	50.63
Water Waste	50.84	50.65

EXHIBIT 7 - ADMINISTRATION AND ENFORCEMENT

§ 50.8065 ACCESS TO PREMISES.

(A) ~~Duly a~~ Authorized agents of the town shall have access, at all reasonable hours, to the premises of consumers for the purposes of installing or removing town property, inspecting piping, reading or testing meters, or for any other purpose in connection with the town's service or facilities.

(B) Each consumer shall grant or convey or shall cause to be granted or conveyed to the town a permanent easement across any property owned or controlled by the consumer wherever the easement is necessary to enable the town to furnish water. Consumer shall not erect a fence around, across or on the easement or any other water system facility without the approval of the town.

§ 50.8166 VARIANCE.

(A) The Public Works Director may grant a variance from the technical requirements of this chapter so long as such variance does not violate the policy, purposes or objectives of this chapter.

(B) The decision of the Public Works Manager on a variance request shall be final.

(C) The Public Works Director shall create and the Town Manager shall approval an administrative policy detailing the process by which a variance may be requested and the parameters within which such variance may be granted.

~~The Council shall permit a variation from the terms and conditions of this chapter only upon the verified application of an affected party to the Council, setting forth the circumstances whereby the public interest requires variation and upon the issuance of a special resolution of the Council. The Council may require an application for variation to be presented in a public hearing.~~

[This section has been amended to mirror the provisions in the Grading and Drainage section of the Code that permits a variance request. See Section 152.04. The Administration and Enforcement provisions have also been renumbered such that they are at the end of the Chapter.]

§ 50.99 PENALTY.

(A) Any violation of this chapter for which no other penalty is designated shall constitute a misdemeanor, and shall be punishable as set forth in § 10.99 of this code.

(B) Any violation of any provision in §§ 50.6075 to 50.6984 shall be a civil violation ~~and shall be~~ subject to a civil sanction not less than \$50 and not to exceed \$2,500 for each day that the violation continues. The imposition of a civil sanction shall not be suspended.