

**ORDINANCE O-14-02**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING ARTICLES 12.2, 12.3, AND 12.4, WATER CONSERVATION PROGRAM, OF THE ZONING CODE OF THE CITY OF BISBEE, AND PROVIDING FOR REPEAL AND SEVERABILITY.**

**WHEREAS**, the Mayor and City Council have the authority to adopt and to amend, by ordinance, the City of Bisbee Zoning Code, pursuant to Section 7.05 of the City Code and applicable state law; and

**WHEREAS**, the City of Bisbee is located in a semi-arid region, with limited water resources, which are under increasing pressure due to the drought conditions that have existed in this area for a number of years; and

**WHEREAS**, it is appropriate for the City of Bisbee to adopt policies and procedures for the use and development of water in this area that will encourage the wise and prudent use of this vital resource, as necessary to sustain this resource for future generations and to limit inappropriate impacts upon these water resources, as necessary to protect the health and safety of the public; and

**WHEREAS**, it is in the best interests of the City of Bisbee and of its citizens for the City to adopt certain amendments to Article 12, Water Conservation Program, of the Zoning Code that will foster appropriate planning for new development, improve water conservation, and provide assistance for homeowners in their efforts to conserve our scarce water resources; and

**WHEREAS**, this Water Conservation Program, as amended, is intended to limit the impacts of new and additional water uses in this area in a reasonable manner, to apply appropriate regulations that will improve the efficiency of new and remodeled facilities, and to encourage the citizens of Bisbee to engage in conservation practices, but not to restrict or regulate existing occupancies; and

**WHEREAS**, certain provisions of this Water Conservation Program regarding the regulation of plumbing standards are being removed from the Zoning Code and placed in the Plumbing Code section of the City Code, where they are more appropriately located; and

**WHEREAS**, these proposed amendments have been unanimously recommended for approval by the Planning and Zoning Commission, following a public hearing on this proposal; and

**WHEREAS**, it is also in the best interests of the City of Bisbee and its citizens to provide a means to protect, to a significant degree, these water resources for the future,

**WHEREAS**, these amendments are in the best interests of the citizens of this community,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bisbee as follows:

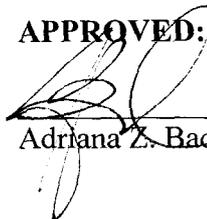
**Section 1:** That the Zoning Code of the City of Bisbee is hereby amended by the amendment of Articles 12.2, 12.3, and 12.4 of the Zoning Code, as stated in the attached Exhibit A, incorporated herein by reference.

**Section 2. Repeal.** All prior resolutions, ordinances, and policies are hereby repealed to the extent of any conflict with this Ordinance.

**Section 3: Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee, this 18th day of March, 2014.

**APPROVED:**

  
\_\_\_\_\_  
Adriana Z. Badal, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

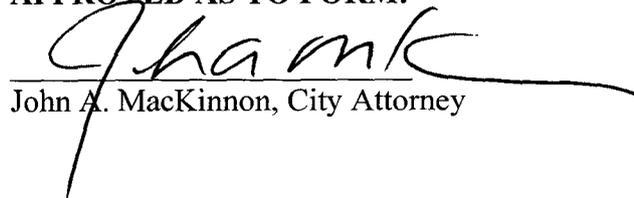
  
\_\_\_\_\_  
John A. MacKinnon, City Attorney

EXHIBIT A

AMENDMENTS TO THE ZONING CODE OF THE CITY OF BISBEE  
ARTICLE 12, WATER CONSERVATION PROGRAM

New language  
~~{Deleted language}~~

ARTICLE 12 WATER CONSERVATION PROGRAM  
(O-08-01)

12.2 Outdoor Water Conservation Requirements. ...

12.2.2 Site plans, as required for a commercial or multi-family project, subdivision improvement plans and master development plans, shall include a specific description of the landscaping plan with the locations of the species to be planted, the irrigation plan and an estimation of the proposed water usage for all proposed areas of turf and other irrigated vegetation. For subdivisions and multifamily projects, this analysis shall also include the estimated areas for all common and park space and for all residential yards that are not restricted to low water use vegetation. The developer shall demonstrate how any such proposed irrigation usage will be consistent with the purpose and intent of this conservation program. **Irrigated turf shall not be allowed in new commercial development.**

...

12.2.5 New golf courses shall only be permitted upon a demonstration by the developer that the proposed course has been designed and will be maintained in a manner that is consistent with the best available low water use designs and practices; that treated effluent will be used to the fullest extent that it is available; that any ponds, lakes and artificial water features will only be used as a necessary component for water reclamation or re-use, recharge or storm water control; that the course design will result in as little impact upon the natural topography and native vegetation as may be reasonably possible; and that the proposed course would be beneficial to the community and consistent with the purpose and intent of this water conservation policy. **Irrigated turf areas for golf courses shall not exceed an average of five (5) acres per hole.**

...

12.2.7 Landscaping and irrigated vegetation shall be installed and maintained in a manner that is consistent with the approved site plans for the project. **All exposed soil shall be covered with not less than 2 inches of mulch material. Irrigation systems shall be installed with 30-day scheduling capacity and with rainfall shutoff devices which interrupt the delivery of irrigation water when effective rainfall is present.**

**Irrigation systems shall be designed and installed to avoid runoff and overspray during operation.**

...

**~~12.3 Interior Water Conservation and Plumbing Standards~~**

~~12.3.1 The efficiency requirements for water closets, urinals, faucets, shower heads, water lines and other plumbing related devices will be as specified in the applicable plumbing code. The City will periodically review and propose amendments to its plumbing code in an effort to include the most efficient standards for that equipment that has proven to be both reliable and cost effective.~~

~~12.3.2 All new residential construction will include plumbing features that will be readily adaptable, accessible and clearly marked to allow for the optional use of the gray water to be produced by the residents as a source for outdoor irrigation, in the manner allowed by applicable law.~~

~~12.3.3 Proposed plans for all new residential construction, and for new commercial construction with a significant amount of repeated hot water usage, shall include designs that address the goal of providing available hot water at each demand point with a waiting (water wasting) period of not more than 15 seconds. These plans may include, but shall not be limited to, options such as placing the hot water heaters in close proximity to the points of use, point of use heaters, insulation of the water pipes, or other equipment, material or arrangements that will provide a reasonable means of accomplishing this purpose. Proposals that will significantly sacrifice energy efficiency for water conservation purposes will not be acceptable.~~

~~12.3.4 Commercial laundry facilities, including for fee washing machines available to the public or residents of a multi-family project, and those facilities that serve hotels, motels or other facilities for overnight guests, shall be equipped with high efficiency washing machines that have a water use factor of 9.5 gallons per cubic foot of laundry or less. This requirement shall apply to new laundry facilities and to the replacement of existing equipment at an existing facility.~~

**12.4 Educational Programs and Demonstration Projects**

The City shall support and implement, subject to the availability of funds, educational and demonstration programs to assist the citizens of this community in reducing their usage of water. This may include, but shall not be limited to, programs to encourage the members of the public to avoid wasting water resources through such activities as the following:

Using alternative means, other than water, to clear off parking lots, driveways, sidewalks or other public spaces, except as may be necessary to alleviate an immediate health or safety concern;

Conducting outdoor irrigation in a manner and at a time that increases efficiency and limits the use of water;

Developing recommended lists and educational information on low water use trees and other plants that are well adapted to this area and discouraging the use of plants that have high water demands;

Limiting the use of excessive or unnecessary amounts of water for consumption at public or private eating establishments; or

Otherwise using water resources in a more efficient manner.

The City will investigate and encourage various means of implementing successful water harvesting and conservation programs from other jurisdictions, including the University of Arizona Cooperative Extension Water Wise program. The City will also investigate and implement, subject to the availability of any necessary funds, the means to provide water conservation and wise water use practices on the City's public property, such as water harvesting and the more effective use of storm water runoff.

**Homeowner and Building Management Education.**

**The builder or developer of a new residential project shall provide the first owner/occupant with an Operating Manual that includes specific instruction for the efficient use, operation, and maintenance of all water consumptive appliances, irrigation and water delivery systems, pools and spas, as applicable.**

**If an irrigation system is installed, the builder shall provide the single-family homeowner and/or commercial site owners with an "as-built" drawing (e.g. schematic) of the system, an itemized list of irrigation components, copies of the irrigation schedules, and instructions on the how to reprogram the schedule after the landscaping is established.**