

ORDINANCE O-14-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, ADDING ARTICLE 7.2.3, WATER CONSERVATION REQUIREMENTS, TO THE PLUMBING CODE IN THE CITY 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 7.2, the Plumbing Code within the City Code, that will improve water conservation and provide assistance for homeowners in their efforts to conserve our scarce water resources; and

WHEREAS, these Water Conservation Requirements are 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, these proposed amendments have been unanimously recommended for approval by the Planning and Zoning Commission; 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 Plumbing Code of the City of Bisbee, as included within the City Code, is hereby amended by the addition of Article 7.2.3, 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.

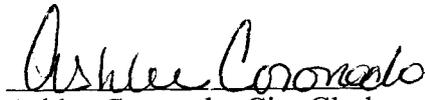
PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee, this 18th day of March, 2014.

APPROVED:



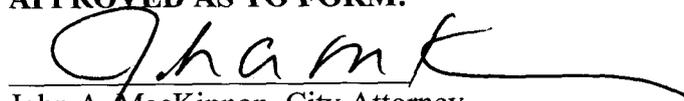
Adriana Z. Badal, Mayor

ATTEST:



Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



John A. MacKinnon, City Attorney

EXHIBIT A

AMENDMENTS TO THE CITY CODE OF THE CITY OF BISBEE ARTICLE 7.2, PLUMBING CODE

New language

~~{Deleted language}~~

ARTICLE 7.2.3. Water Conservation Requirements.

The following water saving requirements are intended to be applied in connection with the provisions of the adopted Plumbing Code and shall be applicable to all new construction and to that portion of any remodeled or retrofitted commercial construction which includes any substantial replacement or remodeling of the systems or fixtures described in this Article.

A. Plumbing Standards

1. Hot water pipes, including those in any recirculation system, shall be insulated with a minimum thermal resistance (R-value) of R-4.
2. Hot water systems shall be designed and shall include such components as may be necessary to deliver hot water at each demand point with no more than 0.6 gallons (2.3 liters) of water delivered prior to the delivery of hot water.
3. All new single family residential construction shall include plumbing features that will be readily adaptable, accessible, and clearly marked to allow for the optional use of the "gray water" (aka "greywater") to be produced by the residents, to be used as a source for outdoor irrigation, in the manner allowed by applicable law.
4. Water service pressure at the point of delivery for residential occupancies shall not exceed 60 pounds per square inch (psi). The Building Inspector is authorized to allow exceptions where circumstances beyond the control of the property owner may require a higher limit.

B. Plumbing Fixture Standards

Except as otherwise noted, the following designated plumbing fixtures and appliances shall either be "WaterSense" labeled fixtures, or shall meet or exceed the water conservation standard established for these types of fixtures through the "WaterSense" program. "WaterSense" is a program established by the U.S. Environmental Protection Agency which, among other matters, establishes criteria for water-efficient plumbing fixtures and maintains listings through the EPA website of the designated criteria and approved fixtures. For proposed

fixtures or appliances which do not include the “WaterSense” label, the property owner or contractor shall have the obligation of demonstrating that the proposed fixture meets or exceeds these requirements. (Where flow rates are provided in parentheses, these represent maximums at the time of the adoption of this regulation, but may be subject to change as the “WaterSense program efficiencies are improved.)

1. Toilets (1.28 gallons per flush- gpf)
2. Flushing urinals (only for custodial cleaning) or non-water using units.
3. Bathroom sink faucets and faucet accessories. (1.5gpm)
4. Kitchen sink faucets and accessories (2.2 gpm max.).
5. Showerheads, single units.
 - For shower compartments with multiple outlet units, including body sprays, rain systems, waterfalls, and jets, the total flow rate of water from all such outlets into the compartment shall not exceed 2.0 gpm.
6. Residential clothes washers, Energy Star qualified with a water factor equal or less than 6.0 gallons of water per cycle per cubic foot of capacity.
7. Commercial laundry facilities, including for-fee washing machines available to the public or residents of a multifamily housing development, Energy Star qualified with a water factor of 4.5 gallons per cubic foot of capacity, or less.
8. Evaporative cooling systems for single family residences shall use a maximum of 3.5 gallons (13.3 liters) of water per ton-hour cooling, when adjusted to maximum water use.
9. Water softener systems shall be certified to meet the standards of NSF/ANSI 44, Residential Cation Exchange Water Softeners, 2, including the efficiency ratings standards in Section 7.
10. Drinking water treatment systems must be certified to yield at least 85 gallons of treated water for each 100 gallons of water processed.

C. Prohibited Plumbing Fixtures

The following designated types of plumbing fixtures and systems shall not be permitted in connection with any new or remodeled commercial or multi-family building or other facility. For purposes of this restriction, a “remodeled commercial or multifamily building or facility” would include any such structure or improvement in which these designated types of plumbing fixtures and systems were not already in place.

1. Outdoor air-cooling misters which release water or water vapor, reducing the apparent ambient temperature in that location.
2. Commercial car washing facilities, including dealerships, which do not include systems which recycle a minimum of seventy-five percent (75%) of the water used in the system.
3. Watering or irrigation systems that do not include rainfall shutoff devices, or other mechanisms that reduce or interrupt the delivery of water during effective rain events.