

ORDINANCE NO. (O)21-09

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA
AMENDING ORO VALLEY TOWN CODE CHAPTER 15, WATER CODE
TO INCORPORATE A POLICY PROHIBITING WATER WASTING,
IMPOSE RESTRICTIONS DURING TOWN DECLARED POTABLE
WATER SHORTAGES AND IMPOSE PENALTIES FOR FAILURE TO
COMPLY WITH WATER CONSERVATION REQUIREMENTS**

WHEREAS, on March 25, 1996, the Town Council approved Ordinance No. (O)96-13 adding Chapter 15, Water Code to the Oro Valley Town Code; and

WHEREAS, the 22-year drought experienced by Arizona, and the expectation of future Central Arizona Project (CAP) water delivery curtailments will imminently affect Oro Valley's CAP deliveries; and

WHEREAS, it is necessary to update Chapter 15, Water Code to prohibit water wasting, impose restrictions during Town declared potable water shortages and impose penalties for failure to comply with water conservation requirements.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that:

SECTION 1. The certain document known as the "Oro Valley Town Code, Chapter 15, Water Code" declared a public record by Resolution No. (R)21-46 and incorporated herein by reference, is hereby amended.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and part of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. 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 thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 8th day of September 2021.

TOWN OF ORO VALLEY

Joseph C. Winfield, Mayor

ATTEST:

Michael Standish, Town Clerk

Date

PUBLISH: DAILY TERRITORIAL
SEPTEMBER 14, 15, 16, 17 2021

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

Date

POSTED: 9/14/21 - 10/14/21

EXHIBIT “B”

Article 15-1**TITLE, INTENT AND PURPOSE, DEFINITIONS**

Sections:

15-1-1 Title

15-1-2 Intent and Purpose

15-1-3 Definitions

15-1-1 Title

This code shall be known as and shall be entitled the Water Code of the Town of Oro Valley. Sections 15-1-2 through 15-23-17 apply to the water utility and are referred to as the Water Utility Code. Article 15-24 applies to stormwater which is under the Public Works Department, and is referred to as the Stormwater Code.

((O)07-41, Amended, 11/07/2007; 96-13, Enacted, 03/25/1996)

15-1-2 Intent and Purpose

It is the intent and purpose of the Oro Valley Town Council, by adopting this Water Utility Code, to promote the health, safety, order, and general welfare of the present and future inhabitants of the Town; and those served by Town utilities outside the Town boundaries, and specifically to:

- A. Provide for safe and reliable water utility service to the inhabitants of the Town and those served outside the Town boundaries;
- B. Provide for the financial integrity of the Town water utility;
- C. Protect the health, safety and welfare of the inhabitants of the Town and those persons served by a Town utility outside the Town boundaries;
- D. Manage the water resources of the Town to protect the existing inhabitants of the Town and those served by a Town utility outside the Town boundaries, inhabitants of the Town and those served by a Town utility outside the Town boundaries, and to facilitate the economic development of the Town;
- E. Develop water resources for the benefit of those served by a Town utility;
- F. Provide for the expansion and improvement to the Town's water utility system(s); and
- G. Secure economy in municipal expenditures and facilitate adequate provision of water system capacity and improvement.

(96-13, Enacted, 03/25/1996)

15-1-3 Definitions

In this Water Utility Code, unless the context otherwise requires, the following definitions shall apply:

"Applicant" means a person requesting the Town to supply water service.

"Application" means a request to the Town for water service or service area inclusion, as distinguished from an inquiry as to the availability or charge for such service or inclusion.

“COMMERCIAL” MEANS A WATER USE CLASSIFICATION THAT IS NON-RESIDENTIAL. A COMMERCIAL CLASSIFICATION IS USED TO IDENTIFY RETAIL, RESEARCH AND SERVICE ORIENTED BUSINESSES, RESTAURANTS, CHURCHES, INDUSTRIAL FACILITIES, PUBLIC INSTITUTIONS INCLUDING SCHOOLS AND GOVERNMENT AGENCIES.

“Commodity charge” means the unit cost of billed usage, as set forth in the water rates and charges as adopted by Council resolution.

“Contributions in aid of construction” means funds provided to the Town water utility by the applicant under the terms of a main extension agreement and/or service connection agreement the value of which are not refundable.

“Curtailement” means the reduction of all or part of water services due to action by the Town Council or the Water Utility Director in response to a particular situation.

“Customer” means the person or entity in whose name service is rendered, as evidenced by the name on the application or contractor for that service, or by the receipt and/or payment of bills regularly issued in his name regardless of the identity of the actual user of the water service.

“Director of Water Utility” or “Water Utility Director,” for the purposes of this document, refers to the current or acting Water Utility Director, or his/her authorized representative.

“Distribution main” means a water main of the Town water utility from which service connections may be extended to customers.

“Main extension” means the mains and ancillary equipment necessary to extend the existing water distribution system to provide service to additional customers.

“Master meter” means a meter for measuring or recording the flow of water at a single location where said water is transported through piping system to tenants or occupants for their individual consumption.

“Meter” means the instrument for measuring and indicating or recording the volume of water that has passed through it from a point of delivery.

“Meter tampering” means a situation where a meter has been illegally altered. Common examples are meter bypassing, use of magnets to slow the meter recording, broken meter seals, and destruction of equipment by unauthorized removal or attempted removal of a locking device.

“Minimum charge” means the amount the customer must pay on a monthly basis for the availability of water service.

“MULTI-FAMILY RESIDENTIAL” MEANS A WATER USE CLASSIFICATION FOR MASTER METERED RESIDENTIAL UNITS INCLUDING APARTMENTS, CONDOMINIUMS, AND GROUP LIVING FACILITIES, INCLUDING ASSISTED LIVING FACILITIES.

“Person” means any individual, partnership, corporation, governmental agency, or other organization operating as a single entity.

“Point of delivery” means the point where facilities owned, leased, or under license by a customer connect to the Town water utility’s pipes or at the outlet side of the meter.

“RECURRING” MEANS AN EVENT THAT IS HAPPENING OR OCCURRING FREQUENTLY, WITH REPETITION.

“Service line” means a water line that transports water from a common source (normally a distribution main) of supply to the customer’s point of delivery.

“Premises” means all of the real property and apparatus employed by a single enterprise on an integral parcel of land undivided by public streets, alleys, or other rights-of-way or easements.

“Reclaimed water” means that water which originates from a reclaimed water facility and is distributed through the Town of Oro Valley’s reclaimed water distribution system for the express purpose of non-potable uses such as irrigation of turf and landscaping. For other definitions relative to reclaimed water, see Section [15-15-9](#).

“RESIDENTIAL” MEANS A WATER USE CLASSIFICATION FOR SINGLE FAMILY HOMES THAT ARE INDIVIDUALLY METERED. THIS CLASSIFICATION ALSO INCLUDES PATIO HOMES, TOWNHOUSES AND CONDOMINIUMS THAT ARE INDIVIDUALLY METERED.

“Service line” means a water line that transports water from a common source (normally a distribution main) of supply to the customer’s point of delivery.

“System” means the Town of Oro Valley Water Utility, including all personal and real property.

“WASTING WATER” MEANS INTENTIONALLY OR KNOWINGLY ALLOWING WATER TO ESCAPE, FLOW OR LEAK OFF OF PRIVATE PROPERTY ONTO ANOTHER PERSON’S PROPERTY OR ONTO PUBLIC PROPERTY; APPLYING LANDSCAPE WATER THROUGH COMPROMISED IRRIGATION SYSTEMS THAT ARE BROKEN OR LEAKING; FAILING TO REPAIR A CONTROLLABLE LEAK WITHIN A SPECIFIED TIME. SEE SECTION 15-18-3.

((O)07-41, Amended, 11/07/2007; 03-31, Amended, 10/01/2003; 96-13, Enacted, 03/25/1996)

Article 15-18
WATER CONSERVATION

Sections:

- 15-18-1 Purpose AND INTENT
- 15-18-2 Declaration of Policy
- 15-18-3 Water Conservation ~~Compliance~~ REQUIREMENTS – WASTING WATER PROHIBITED
- 15-18-4 ~~Restricts During~~ RESTRICTIONS - TOWN DECLARED Potable Water Shortages
- ~~15-18-5 Termination of Water Service for Violation~~
- 15-18-7 5 Penalties, VIOLATIONS AND INFORCEMENT
- 15-18-6 Variance
- 15-18-7 Penalties
- 15-18-8 Public Notifications
- 15-18-9 Disclaimer
- 15-18-10 Residential Rainwater Harvesting
- 15-18-11 Rainwater Harvesting for Commercial and Master Subdivision Development Projects
- 15-18-12 Graywater Use

15-18-1 Purpose AND INTENT

The Town of Oro Valley has enacted an ordinance requiring water conservation at a local level. THE INTENT OF THIS ORDINANCE IS TO CONSERVE AND PROTECT THE TOWN'S HIGH QUALITY, SAFE AND RELIABLE WATER SUPPLY FOR THE CURRENT AND FUTURE NEEDS OF THE COMMUNITY. It is recognized that water conservation is also a regional issue that should be addressed in cooperation with other jurisdictions and water providers. The Town will cooperate with all water providers serving Oro Valley to develop a region-wide conservation plan with the focus on encouraging customers to minimize water usage and to utilize water more efficiently. Furthermore, because of the arid conditions present in the area, it is the policy of the Town of Oro Valley to encourage its water users to always conserve water voluntarily to the maximum extent practicable. WASTING WATER RESULTS IN THE LOSS OF A VALUABLE RESOURCE AND IS IN CONFLICT WITH WATER CONSERVATION EFFORTS. The Town of Oro Valley deems it necessary to establish policies, rules, regulations, penalties and plans for water conservation within the Town to be implemented by Oro Valley Water Utility customers during NORMAL OPERATIONS AND IN THE EVENT OF water shortages DECLARED BY THE TOWN as defined herein.

(03-07, Amended, 03/05/2003)

15-18-2 Declaration of Policy

It is hereby declared that, because of the water shortage conditions experienced in WATER RESOURCES ARE IMPORTANT TO THE SUSTAINABILITY OF the Town of Oro Valley, the general welfare requires that all the water resources available to the Town be put to the maximum beneficial use to the extent to which they are capable, and that waste, excessive use, or unreasonable method of use of water be prevented, and that conservation of water be exercised in the interests of the Town of Oro Valley and for the public welfare.

(03-07, Added, 03/05/2003)

15-18-3 Water Conservation ~~Compliance~~ REQUIREMENTS - WASTING WATER PROHIBITED

WATER CONSERVATION INCREASES THE TOWN'S ABILITY TO MEET THE LONG-TERM NEEDS OF THE COMMUNITY. It shall be unlawful AT ANY TIME for any customer of the Town of Oro Valley Water Utility

to knowingly make, cause, use or permit the use of water provided by the Town for residential, commercial, industrial, agricultural, irrigation or any other purpose in a manner contrary to any provisions of this Code, ~~or in an amount in excess of that use permitted under any Resource Status Level declared in accordance with this Code.~~

- A. NO PERSON OR ORGANIZATION SHALL KNOWINGLY WASTE WATER AT ANY TIME. THE FOLLOWING USES ARE CONSIDERED WASTING WATER AND ARE PROHIBITED:
1. RECURRENCE OF ESCAPING WATER FROM ANY PREMISES OR PRIVATE PROPERTY ONTO PUBLIC PROPERTY SUCH AS A GUTTER, STREET, SIDEWALK OR RIGHT-OF-WAY OR UPON ANY OTHER PERSON'S PROPERTY. EXCEPTIONS ARE PERMITTED THROUGH THE SANITARY SEWER FOR MONITORED DISCHARGE, SUCH AS DRAINING OF SWIMMING POOLS, IN COMPLIANCE WITH ARTICLE 15-24-14 STORMWATER MANAGEMENT AND DISCHARGE CONTROL.
 2. USING WATER FOR WASHING DRIVEWAYS, SIDEWALKS, PARKING AREAS, OR OTHER IMPERVIOUS SURFACE AREAS WITH AN OPEN HOSE, OR WITH A SPRAY NOZZLE ATTACHED TO AN OPEN HOSE, OR UNDER REGULAR OR SYSTEM PRESSURE, EXCEPT WHEN REQUIRED TO ELIMINATE CONDITIONS THAT THREATEN THE PUBLIC HEALTH, SAFETY OR WELFARE. **THIS RESTRICTION DOES NOT APPLY TO RESIDENTIAL OR MULTI-FAMILY RESIDENTIAL CUSTOMERS**
 3. THE RECURRING APPLICATION OF LANDSCAPE WATER IN SUCH A MANNER, RATE AND/OR QUANTITY THAT IT OVERFLOWS THE LANDSCAPED AREA BEING WATERED AND RUNS ONTO ADJACENT PROPERTY OR PUBLIC RIGHT-OF-WAY.
 4. FAILING TO REPAIR A MANAGEABLE LEAK, INCLUDING A BROKEN OR LEAKING IRRIGATION COMPONENT OR BACKFLOW PREVENTION DEVICE WITHIN THREE WEEKS OF NOTIFICATION.
 5. OPERATING A MISTING SYSTEM OUTSIDE OF THE OPERATOR'S NORMAL BUSINESS HOURS IN AN UNOCCUPIED NON-RESIDENTIAL AREAS.
 6. FAILURE TO COMPLY WITH RESTRICTIONS DURING TOWN DECLARED POTABLE WATER SHORTAGES AS DESCRIBED IN SECTION 15-8-4.

(03-07, Added, 03/05/2003)

15-18-4 ~~Restricts~~ RESTRICTIONS during TOWN DECLARED Potable Water Shortages

To determine the need to impose restrictions, the following procedures shall be implemented during potential TOWN DECLARED potable water shortage conditions:

- A. DURING A PERIOD OF TOWN DECLARED POTABLE WATER SHORTAGE, the Water Utility Director, or a designated representative, shall project the supply and demand for water on a daily basis and shall advise the Town Manager on the extent of the use reduction required through the implementation and/or termination of a particular WATER CONSERVATION WATER RESTRICTION in order for the Water Utility to prudently plan for and supply water.
- B. The Town Manager, upon the recommendation of the Water Utility Director, or a designated representative, is hereby authorized to declare a Water Conservation WATER RESTRICTION in conformity with and based upon the Resource Status Levels set forth herein.

C. Safe production capability is defined as ninety percent (90%) of the total available water system capacity (calculated over a 24-hour period), based upon distribution components, storage reserves, and weather conditions.

D. Such declaration may designate the entire area served by the Oro Valley Water Utility, or a portion or portions of the service area as affected, in the event the shortage is not system-wide.

E. Priority for potable water demand shall be designated as follows:

Highest Priority - Residential indoor domestic use and fire protection.

Second Highest Priority - Commercial/Institutional/Industrial uses.

Third Highest Priority - Public and private landscape irrigation sites, including golf courses, athletic fields and parks.

Lowest Priority - Other uses such as main flushing, street cleaning, ~~pool~~-filling SWIMMING POOLS, decorative facilities.

Note: Per Arizona Administrative Code Title 18; Chapter 5; Note 1. Only a certified operator can make a decision about process control or system integrity regarding water quality or water quantity that affects public health; however, an administrator who is not a certified operator can make a planning decision regarding water quality or water quantity as long as the decision is not a direct operational process control or system integrity decision that affects public health. A certified operator will report supply conditions to the Water Utility Director, or a designated representative.

F. The following Resource Status Levels are hereby prescribed:

1. **Resource Status Level I:** Periods when water demand is equal to safe production capability.
2. **Resource Status Level II:** Periods when water demand is greater than safe production capability for three (3) consecutive days.
3. **Resource Status Level III:** Periods when water demand is greater than safe production capability for two (2) consecutive weeks.
4. **Resource Status Level IV:** Periods when water demand exceeds total production capability.

G. The following Water Conservation Levels shall govern the use of water by customers of the Oro Valley Water Utility, as prescribed below:

1. **Water Conservation Level I: Voluntary Water Reductions.** Water Conservation Level I shall be imposed when water demand is classified as Resource Status Level I. Water users shall be requested to voluntarily reduce water used for irrigation, vehicle and pavement washing, construction and other water consuming activities. Irrigation is defined as the application of water to residential lawns, landscaping, commercial and industrial turf areas (including golf courses), parks, and medians.
2. **Water Conservation Level II: Water Restrictions.** Water Conservation Level II shall be imposed when water demand is classified as Resource Status Level II. The following water uses shall be restricted or prohibited. No person shall:
 - a. Wash vehicles unless a bucket and hose with a positive cutoff nozzle is used. No restrictions shall apply to commercial car washes.
 - b. Wash paved areas as drives, sidewalks, or tennis courts; except reasons of health or safety.

c. Continue normal irrigation practices. Potable water supply for irrigation of golf courses and large turf areas shall be reduced by 10%. Further reductions in irrigation use along with time restrictions may be imposed. Operations personnel shall recommend appropriate actions to balance the system to the Water Utility Director. No restrictions shall apply if treated effluent/reclaimed water is used.

d. Use ornamental or public fountains and outdoor misting systems.

e. Use water from a fire hydrant from 6:00 a.m. to 10:00 a.m. for construction water unless provided written approval of the Water Utility Director and Town Fire Marshall; and except for such use associated with firefighting activities.

3. **Water Conservation Level III: Water RESTRICTIONS Emergency.** Water Conservation Level III shall be imposed when water demand is classified as Resource Status Level III. In addition to the restrictions set forth in Section 15-18-4.F.2 above, the following water uses are further restricted or prohibited. No person shall:

a. Fill or refill swimming pools, spas or wading pools unless for public health, safety or welfare.

b. Potable water supply for irrigation golf courses and large turf areas shall be reduced by up to AN ADDITIONAL 50%. Further reductions in irrigation use along with time restrictions may be imposed. No restrictions shall apply if treated effluent/reclaimed water is used.

c. Wash vehicles, paved areas, or use fire hydrants on a non-emergency basis without written approval of the Water Utility Director and the Town Fire Marshall. No restrictions shall apply to vehicles that must be washed for public health, safety or welfare, or to commercial car washes.

d. Irrigate outdoors other than between the hours of 6:00 p.m. to 10:00 p.m. and 4:00 a.m. to 8:00 a.m. on Monday and Thursday for even-numbered street addresses and for odd-numbered street addresses and all others at these same times on Tuesday and Friday. No restrictions shall apply if treated effluent/reclaimed water is used.

4. **Water Conservation Level IV: Water RESTRICTIONS CRISIS.** Water Conservation Level IV shall be imposed when water demand is classified as Resource Status Level IV. The following water users shall be restricted or prohibited. No person shall:

a. Do any of the acts prescribed in Section 15-18-4.F.2-3 above.

b. Use any potable water for irrigation.

c. Use fire hydrants, wash pavements, fill or refill SWIMMING pools, spas, outdoor misting systems 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. Includes all construction water.

e. Use potable water in violation of any other restriction deemed necessary by the Mayor and Town Council for the purpose of protecting the health & welfare of the citizens of the Town of Oro Valley.

f. No restrictions shall apply if treated effluent/reclaimed water is used.

FAILURE TO COMPLY WITH WATER CONSERVATION LEVELS II – IV DURING A DECLARED POTABLE WATER SHORTAGE MAY RESULT IN PENALTIES AS DESCRIBED IN SECTIONS 15-8-5 B.

15-18-6 5 Penalties, VIOLATIONS AND ENFORCEMENT**A. PENALTIES FOR FAILURE TO COMPLY WITH WATER CONSERVATION REQUIREMENTS – WATER WASTING.**

1. FOR A FIRST VIOLATION THE UTILITY SHALL ISSUE A WRITTEN “FIRST NOTICE OF VIOLATION” AND PROVIDE EDUCATIONAL MATERIALS ON WATER CONSERVATION, INCLUDING A COPY OF THE RELEVANT PROVISIONS OF THIS CHAPTER, BY MAIL TO THE SERVICE ADDRESS. THE UTILITY SHALL GIVE THE CUSTOMER THREE WEEKS FROM THE DATE OF THE WRITTEN NOTIFICATION TO CORRECT THE VIOLATION.
2. FAILURE TO CORRECT THE VIOLATION IDENTIFIED IN THE WRITTEN “FIRST NOTICE OF VIOLATION” WILL RESULT IN A WRITTEN “SECOND NOTICE OF VIOLATION” WITH REFERENCE TO THE PREVIOUS VIOLATION AND POSSIBILITY OF FUTURE ACTIONS INCLUDING FINES AND DISCONTINUED WATER SERVICE. NOTIFICATION WILL BE SENT BY MAIL TO THE SERVICE ADDRESS AND AN ATTEMPT TO CONTACT THE CUSTOMER OF RECORD VIA TELEPHONE. THE UTILITY SHALL GIVE THE WATER CUSTOMER THREE WEEKS FROM THE DATE OF THE SECOND WRITTEN NOTIFICATION TO CORRECT THE VIOLATION.
3. FAILURE TO CORRECT THE VIOLATION IDENTIFIED IN THE WRITTEN “SECOND NOTICE OF VIOLATION” WILL RESULT IN A WRITTEN “THIRD NOTICE OF VIOLATION” DELIVERED BY CERTIFIED MAIL. ADDITIONALLY, A ONE HUNDRED DOLLAR (\$100) FINE WILL BE IMPOSED. THE FINE SHALL BE ADDED TO THE CUSTOMER’S ACCOUNT. FAILURE TO PAY ANY PORTION OF A CUSTOMER’S ACCOUNT, INCLUDING ANY FINES IMPOSED PURSUANT TO THIS SECTION, SHALL SUBJECT SAID ACCOUNT TO TERMINATION OF WATER SERVICE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE UTILITY SHALL GIVE THE WATER CUSTOMER THREE WEEKS FROM THE DATE OF THE THIRD WRITTEN NOTIFICATION TO CORRECT THE VIOLATION.
4. FAILURE TO CORRECT THE VIOLATION IDENTIFIED IN THE WRITTEN “THIRD NOTICE OF VIOLATION” WILL RESULT IN A WRITTEN “FOURTH OR SUBSEQUENT NOTICE OF VIOLATION” DELIVERED BY CERTIFIED MAIL. ADDITIONALLY, THE UTILITY SHALL IMPOSE A FINE EQUAL TO TWICE THE AVERAGE MONTHLY BILLING FOR THE IMMEDIATELY PRECEDING SIX-MONTH PERIOD FOR THE METER THROUGH WHICH THE WATER WAS SUPPLIED. THIS FINE SHALL BE APPLIED EVERY MONTH CORRECTIVE ACTION IS NOT TAKEN. THE FINE SHALL BE ADDED TO THE CUSTOMER’S ACCOUNT. FAILURE TO PAY ANY PORTION OF A CUSTOMER’S ACCOUNT, INCLUDING ANY FINES IMPOSED PURSUANT TO THIS SECTION, SHALL SUBJECT SAID ACCOUNT TO TERMINATION OF WATER SERVICE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

B. PENALTIES FOR FAILURE TO COMPLY WITH WATER CONSERVATION LEVELS II – IV DURING A TOWN DECLARED POTABLE WATER SHORTAGE

(03-07, Added, 03/05/2003)

1. **Termination of Water Service for Violation.** FAILURE TO COMPLY WITH ANY WATER CONSERVATION WATER RESTRICTION pertaining to water use or misuse, the Water Utility Director, or a designated representative, shall have authority to take actions, including mandatory measures up to and including disconnection of service, and other such enforcement actions as are required or deemed necessary to assure compliance with the WATER RESTRICTIONS SPECIFIED IN WATER CONSERVATION LEVELS II - IV. In notification of such a violation, a written notice shall be placed on the property where the violation occurred; and a duplicate shall be mailed to the billing account address for the service where the violation occurs, and to any other person known to the Water Utility who is responsible for the violation or its correction. Said notice shall describe the violation and order that it be corrected, caused or abated immediately or within such specified time as the Water Utility determines is reasonable under the circumstances. If said order is not complied with, the Water Utility may forthwith disconnect the service where the violation occurs. If a service is disconnected, assessment of a reconnection fee will be assessed and collected before service is restored.
2. Upon a second violation at the same property or by the responsible party, disconnection may be ordered immediately, and the service shall not be reconnected unless a device supplied by the Water Utility that will restrict the flow of water to said service is installed. Furthermore, a fee for reconnection WILL BE ASSESSED AND COLLECTED BEFORE SERVICE IS RESTORED.
3. In addition to any other legal or equitable remedy to enforce the provisions of this Code, the Town of Oro Valley may terminate or suspend water service to property owned or controlled by any party in violation of any provision in this Code. The Water Utility Director, or a designated representative, may cause a notice of water termination to be served upon the violating party stating that service will be discontinued in a predetermined number of days unless a hearing is requested.

C. RIGHT TO A HEARING

A hearing may be requested in writing to the ~~Town Manager, which shall be received by the Town Manager~~ WATER UTILITY DIRECTOR OR DESIGNATED REPRESENTATIVE, on or before the expiration of said specified number of days. If a hearing is requested, the ~~Town Manager~~ WATER UTILITY DIRECTOR, OR A DESIGNATED REPRESENTATIVE, shall convene a hearing within three (3) business days of receipt of the written request. The requesting party may appear before the ~~Town Manager~~ WATER UTILITY DIRECTOR, OR A DESIGNATED REPRESENTATIVE, 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 WATER UTILITY DIRECTOR, OR A DESIGNATED REPRESENTATIVE, may order that water service be terminated or suspended pending compliance with the provisions of this Code. Termination of water service and reconnection of service is subject to all applicable charges, fees and penalties. THE HEARING SHALL NOT BE CONDUCTED IN ACCORDANCE WITH THE FORMAL RULES OF EVIDENCE. TESTIMONY MAY BE TAKEN UNDER OATH, WITH THE RIGHT TO CROSS-EXAMINE WITNESSES. THE DECISION OF THE WATER UTILITY DIRECTOR, OR DESIGNATED REPRESENTATIVE SHALL BE FINAL.

(03-07, Added, 03/05/2003)

15-18-6 Variance

The Water Utility Director, or a designated representative, may in writing, grant variances to persons who apply for usages of water not in compliance with the RESTRICTIONS DURING TOWN DECLARED POTABLE WATER SHORTAGES described in 15-18-4. These variances may be granted if it is found that such water use is necessary to prevent an emergency condition relating to health, safety and general welfare or essential governmental services such as police, fire, and similar emergency services; or for customers who have made every reasonable effort to reduce water use yet are still prevented from compliance for reasons beyond their control. Efforts made to conserve water at the onset of drought conditions or periods of water shortage may be considered in granting said variance.

(03-07, Added, 03/05/2003)

15-18-7 Penalties

Any violation of any provision in this Code shall be a civil violation and shall be subject to a civil sanction not less than Fifty Dollars (\$50.00) and not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each day that the violation continues. The imposition of a civil sanction shall not be suspended.

(03-07, Added, 03/05/2003)

15-18-8 Public Notification

Town of Oro Valley Water Utility customers shall be notified of changes in Water Conservation Levels in conformity with and based upon the Resource Status Levels set by the Town Manager by the use of public notices, local newspapers, Public Service Announcements from radio and television, door hangers, water utility bills, and any other ~~method~~ FORM OF COMMUNICATION necessary to provide adequate notice to customers.

(03-07, Added, 03/05/2003)

15-18-9 Disclaimer

If any section, subsection, sentence, clause, phrase or portion of this Code 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 thereof.

(03-07, Added, 03/05/2003)

15-18-10 Residential Rainwater Harvesting

Active and passive rainwater harvesting systems are allowed for use by residents of Oro Valley; provided, that active systems meet the requirements of applicable parts of Oro Valley ~~Town~~ ZONING Code ~~Chapter 6 (Building)~~ SECTION 27.6.D.4 AND CHAPTER 11.8 OF THE TOWN'S DRAINAGE CRITERIA MANUAL as to construction methods and that any system that ties into or uses potable water must have backflow protection installed and meet requirements of Article [15-23](#) of the Town of Oro Valley Water Code: Backflow Prevention and Cross-Connection Control Program. All collection vessels must be covered and mosquito proof. In passive systems, all standing water must infiltrate into the soil within twelve (12) hours. ~~No ponding allowed.~~

((O)07-19, Added, 03/21/2007)

15-18-11 Rainwater Harvesting for Commercial and Master Subdivision Development Projects

Active and passive rainwater harvesting systems are allowed for use by these projects. All systems must first be approved. MEET THE REQUIREMENTS OF SECTION 27.6.D.4 OF THE ORO VALLEY ZONING CODE AND CHAPTER 11.8 OF THE TOWN'S DRAINAGE CRITERIA MANUAL ~~under the Drainage Review Criteria Manual and the Town Engineer~~ prior to installation ~~and meet current Oro Valley Town Code Chapter 6 (Building) as to construction methods.~~ Any system that ties into or uses potable water must have backflow protection installed and meet requirements of Article [15-23](#) of the Town of Oro Valley Water Code: Backflow Prevention and Cross-Connection Control Program. All collection vessels must be covered and mosquito proof. For passive systems, all standing water must infiltrate into the soil within twelve (12) hours. ~~No ponding allowed.~~

((O)07-19, Added, 03/21/2007)

15-18-12 Graywater Use

Graywater use is allowed for use by Oro Valley Water Utility customers; provided, that all guidelines imposed by ADEQ are met and that design, construction and operation of the system meet requirements of THE INTERNATIONAL PLUMBING CODE, CHAPTER 13 (GRAYWATER RECYCLING SYSTEMS) ~~the Oro Valley Town Code Chapter 6 (Building).~~ All graywater systems must have backflow protection installed and must meet requirements of Article [15-23](#) of the Town of Oro Valley Water Code: Backflow Prevention and Cross-Connection Control Program.

((O)07-18, Added, 03/21/2007)

**Article 15-19
VIOLATIONS**

Sections:

15-19-1 Installation, Repair by UNAUTHORIZED Individuals Prohibited

15-19-2 Turning On Water without Authority

~~15-19-3~~ Escaping Water; Violation Declared a Civil Infraction

~~15-19-4~~ 15-19-3 Interfering With; Tampering with Water Facilities; Removing Water

~~15-19-5~~ 15-19-4 Damaging, Defacing Water Facilities

~~15-19-6~~ 15-19-5 Penalties

15-19-1 Installation, Repair by UNAUTHORIZED Individuals Prohibited

All water services to be installed by the Town of Oro Valley Water Utility shall only be installed by the Town or its authorized employees or agents as provided for in this Water Utility Code. It shall be unlawful for any person to install any such service or any part of such service, or to repair any service now existing or any part thereof, from the water mains to and including the meter, or disturb any right of way easement, street or alley in any manner for the purpose of locating problems with the water system or for any other reason whatsoever. ANY VIOLATION SHALL BE A CLASS ONE MISDEMEANOR UNLESS SPECIFICALLY STATED OTHERWISE.

15-19-2 Turning On Water without Authority

If any person shall, by false key or otherwise, after the water has been shut off from any premises, cause such premises to be supplied with water, such person, his aiders and abettors, shall be guilty of a Class One Misdemeanor.

~~15-19-3 Escaping Water; Violation Declared a Civil Infraction~~

~~No person shall intentionally allow water to escape from his premises upon public property, such as alleys, roads or streets, nor upon any other person's property~~

~~15-19-4~~ **15-19-3 Interfering With; Tampering with Water Facilities; Removing Water**

No person shall open or close any fire hydrant or stopcock connected with the water system of the Town of Oro Valley, or lift or remove the covers of any gate valves or shutoffs, or tap into Town water mains or otherwise remove water from the Town water utility system without a permit from the Director of the Town Water Utility, or in violation of conditions of a permit, except in case of fire, and then under the direction of the officers of the fire suppression service provider. Any violation shall be a Class One Misdemeanor unless specifically stated otherwise.

~~15-19-5~~ **15-19-4 Damaging, Defacing Water Facilities**

If a person shall destroy, deface, impair, injure or wantonly force open any gate or door, or in any way whatsoever destroy, injure or deface any reservoir, building, storage tank, or appurtenances, fences, trees, or fixtures or property appertaining to the water utility of the Town, such person shall be guilty of a Class One Misdemeanor.

~~15-19-6~~ **15-19-5 Penalties**

Any person, firm, partnership, or corporation violating any of the provisions of ~~Title 9~~ of the Oro Valley Water Utility Code shall be guilty of a Class One Misdemeanor. Each day that a violation is permitted to

exist shall constitute a separate offense. The imposition of any sentence or fine shall not exempt the offender from compliance with the provisions of this Code.