

ARTICLE VIII. WATER CONSERVATION

DIVISION 1. GENERALLY

Sec. 66-351. Definitions.

Active recreational area means turfed area designated for active recreation use and measuring a minimum of 10,000 square feet and at least 100 feet long by 100 feet wide.

Cap water supply means Central Arizona Project Water.

Common area means areas in a new development designated for common use.

Development includes residential subdivisions and nonresidential facilities and projects.

Efficient irrigation system means a system that delivers water in sufficient supply to meet the plants' water consumption requirements, directly to the plant material without causing loss of water due to surface runoff, excessive infiltration, or excessive evaporation.

Landscapable area means common areas in a new development capable of being landscaped, but does not include active recreational areas.

Lawn overseeding means the planting of winter grass on an established turf area.

Low water use landscaping means all landscaping that is not water-intensive landscaping.

New development shall mean a development that receives zoning approval after December 31, 2000, provided however, "new development" does not include a parcel that is included within the boundaries of a development that received zoning approval prior to December 31, 2000 if: (1) such parcel is subsequently rezoned to a different base zoning district; (2) such parcel constitutes 20 percent or less of the land area of the originally approved development; and (3) the director of public works determines in writing that the rezoning and subsequent use of such parcel will not result in a net increase in the quantity of water to be used on the parcel over the quantity of water to be used on the parcel that would have been used under the zoning originally approved.

Non per capita conservation program or NPCCP means the non per capita water conservation program for Gilbert approved by the department of water resources.

Reclaimed water means water that has received treatment in a facility that is regulated pursuant to A.R.S., tit. 49, ch. 2, and has not legally acquired the characteristics of groundwater or surface water.

Turf means a surface layer of earth containing regularly mowed grass, with its roots. Turf includes but is not limited to annual and perennial Rye grass, Fescue, all types of Bermuda, and Azoya.

Turf-related facility means a school, park, cemetery, golf course, industrial park or common area of a housing development that applies water from any source, including reclaimed water, to ten or more acres of water-intensive landscaped area.

Waste of water means to permit water supplied by the town to escape from any private property onto a street, sidewalk, gutter, alley, public utility easement, parking area, or another person's property. Water is not wasted if any of the following apply:

- (1) The flow of water results from water supply system failures or malfunctions that

are fixed within 72 hours of the date of notice of such failure or malfunction.

- (2) The flow results from firefighting, inspection of fire hydrants by the fire department or from fire training activities.
- (3) The flow is from water applied as a dust control measure as may be required by law.
- (4) The flow is from water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology.
- (5) The flow is from water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available.
- (6) The flow results from the inspection, operation or maintenance of the town water supply system.
- (7) The flow results from inspection or maintenance of irrigation systems.
- (8) The flow results from water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists.
- (9) The flow results from maintenance of a swimming pool.

Water feature means pools, ponds, fountains, streams, waterfalls, swimming pools, artificial lakes, and other artificial water structures.

Water-intensive landscaped area means any area of land that is watered with a permanent water application system and landscaped primarily with water-intensive landscaping.

Water-intensive landscaping means:

- (1) Any plants not listed in the most recent low water use plant list approved by the Arizona Department of Water Resources pursuant to the Phoenix Active Management Area Management Plan then in effect, including turf.
- (2) The total surface area of all bodies of water filled or refilled with water from any source, including reclaimed water, that are an integral part of the landscaped area, but not including bodies of water used primarily for swimming purposes.

(Ord. No. 1316, § 1, 11-28-00;; Ord. No. 1546, § I, 2-3-04; Ord. No. 1707, § I, 2-28-06)

Sec. 66-352. Water conservation officer.

The director of public works shall designate a water conservation officer whose duties it shall be to implement the non per capita conservation program.

(Ord. No. 1316, § 1, 11-28-00)

Sec. 66-353. Enforcement.

The code compliance officer shall enforce the provisions of this article.

(Ord. No. 1316, § 1, 11-28-00; Ord. No. 1363, § I.7., 8-21-01)

Sec. 66-354. Prohibition on certain covenants, conditions and restrictions.

It shall be unlawful for covenants, conditions and restrictions of a new development or similar document regulating architectural and landscaping guidelines to require the use of water-intensive landscaping or prohibit low water use landscaping. Nothing in this section shall prohibit individuals from using water intensive landscaping.

(Ord. No. 1316, § 1, 11-28-00; Ord. No. 1756, § 1, 5-9-06)

Sec. 66-355. Limitations on new water features.

(a) The spray from a water feature installed, erected or constructed by a new development, shall be limited to six feet in height from the base of the water column. This prohibition shall not apply to any water feature which injects or drops water into the air solely for the purpose of cooling a confined air space.

(b) Water features shall comply with the following requirements:

(1) A permit to install, erect or construct the water feature shall be obtained from the building and code compliance officer. Such permit shall only be issued if the water feature complies with the requirements of this section.

(2) The water feature shall be designed with catch basins that will maximize the amount of water recycled and minimize make up water. Water features which over spray shall be equipped with wind shut-off valves.

(3) The water feature shall be designed to use water equipment that will minimize leakage throughout the life of the water feature.

(4) The water feature shall reuse filtered backwash in a manner beneficial to surrounding plant material and landscaped areas.

(5) The water feature shall be operational only during normal business hours and shall be equipped with an automatic timer and a recirculating pump.

(Ord. No. 1316, § 1, 11-28-00; Ord. No. 1363, § 1.7., 8-21-01)

Secs. 66-356--66-361. Reserved.