

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, ARIZONA, REPEALING THE EXISTING TITLE 4, CHAPTER 6 SECTION 2 “POTABLE WATER USE RESTRICTIONS” AND ADOPTING AS PART OF TITLE 8, PERTAINING TO HEALTH, SANITATION AND ENVIRONMENT CHAPTER 10, SECTIONS 1 THROUGH 11 “MUNICIPAL WATER SYSTEM” REGARDING WATER USE IN THE CITY AND THE CITY’S WATER UTILITY SYSTEM.

WHEREAS, the City of Mesa owns, operates and maintains a municipal water treatment and distributions system which provides water service to over 100,000 customers within the City;

WHEREAS, the availability of water is critical to the health, safety and welfare of the City, its customers, and all persons living in, working in or visiting the City;

WHEREAS, it is in the best interests of the City to establish certain terms, conditions, limitations and other and requirements regarding City water utility service and water use within the City;

WHEREAS, it is desirable to promote water conservation, and to establish and provide for the implementation of certain measures and requirements that will provide for a sustainable water supply for existing and future customers and water uses across the City due to the finite availability of water resources and their susceptibility to drought and other limiting conditions;

WHEREAS, certain provisions regarding water and lakes and turf-related facilities are currently found in that part of the City Code commonly known as the Plumbing Code, and City desires to relocate such provisions into a new Section of the City Code along with the provisions described above;

WHEREAS, the City Council believes an ordinance as described above will be a benefit to the community of Mesa.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:**

Section 1: That Title 4, Chapter 5, Section 2 of the of the Mesa City Code, entitled “Potable Water Use Restrictions,” and all subsections under 4-5-2 of the Mesa City Code is hereby repealed; and 4-5-3 of the Mesa City Code entitled “Penalty Clause” is hereby renumbered to be 4-5-2 of the Mesa City Code.

Section 2: That the Title 8, Chapter 10, Sections 1 through 11 of the Mesa City Code entitled “Municipal Water System,” which is attached hereto as Exhibit A, is hereby incorporated as if fully set forth herein and is hereby adopted and made a part of, and shall be added to, the Mesa City Code as a new Chapter 10 in Title 8.

Section 3: Development agreements that include recognition of a commitment of water supplies under ARS § 9-463.03 approved by the City Council on or before the Effective Date of this ordinance shall constitute a Sustainable Service Agreement for the purposes of Title 8, Chapter 10, Section 9, Subsection D that satisfy the provisions of Title 8, Chapter 10, Section 9, Subsections A through C.

Section 4: Existing Customers whose daily, annual, or peak demand as of the Effective Date of this Ordinance qualifies them as MLM Customers (“Existing MLM Customers”) that do not have an Sustainable Service Agreement for the purposes of Section 8-10-9(D) shall be deemed to be in compliance with Title 8, Chapter 10, Section 9, Subsections A through C so long as such existing MLM Customers do not exceed their “Current Allowance.” “Current Allowance” means and shall be established as the amount calculated based on increasing the volume for the highest 12 consecutive months of metered deliveries during the five-year period prior to the Effective Date by ten percent (10%). Existing MLM Customer’s Current Allowance shall be used for the purposes of determining compliance under Section 8-10-9(D). Existing MLM Customers must submit a Sustainable Water Service Application and, subject to approval by City, enter into a Sustainable Service Agreement under Section 8-10-9(b)(3) to increase their Water Allowance beyond the Current Allowance established hereunder.

Section 5: The recitals above are incorporated in this Ordinance by reference as if fully set forth herein.

Section 6: The effective date of this Ordinance shall be thirty (30) days following adoption by the Mesa City Council.

Section 7: The various City officers and employees are hereby authorized and directed to perform all acts necessary to give effect to this Ordinance, including the City Clerk shall codify into the City Code Title 8, Chapter 10, Sections 1 through 11 of the Mesa City Code entitled “Municipal Water System” that is attached hereto as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 8th day of July, 2019.

APPROVED:

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Mayor

ATTEST:

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City Clerk