

MESA CITY CODE

8-10-2: DEFINITIONS

For purposes of this Chapter:

ALLOWANCE: The amount of System water available in excess of the Demand Ceiling based on conveyance of Long Term Storage Credits to the City, compliance with an approved MLM Permit (or Sustainable Service Agreement), and all other requirements of this Chapter.

APPLICANT: A Person that owns property and applies for Development Entitlements or otherwise requests water utility service.

BODY OF WATER: Shall have the same meaning as set forth in A.R.S. § 45-131(1) (2022).

CITY: The City of Mesa, an Arizona Municipal Corporation and political subdivision of the State of Arizona.

CUSTOMER: The Person that owns or controls property which is connected to and receives service from the System.

DEMAND CEILING: The maximum metered amount of water in acre feet (325800 gallons) available to Customers in a rolling twelve (12) month period pursuant to Section 8-10-9.

DEPARTMENT: The City of Mesa Water Resources Department, or any successor identified by the City, which is responsible for enforcing the requirements of this Chapter.

DEVELOPMENT ENTITLEMENTS: Approvals by the City under applicable Mesa City Code provisions, including but not limited to Title 9 Chapters 6 and 8, for development, construction and/or installation of improvements on specified property.

DIRECTOR: The Director of the Department or designee.

DISTRIBUTION MAIN: Potable water mains located within right-of-way, or a qualifying public utility easement acceptable to the Department, and suitable for customer connection, as determined by the Department and generally smaller than 16 inches in diameter.

FRONTAGE: The entire length of that portion of a parcel of property that abuts a qualifying private street, public utility easement, or public Right-of-Way.

KGAL: One thousand gallons.

LAKE PERMIT: A permit authorizing the filling of an artificial body of water or use of water at a Turf-Related Facility.

LONG TERM STORAGE CREDITS: Long Term Storage Credits as defined in A.R.S. § 45-802.01 created at a Storage Facility in the East Salt River Valley Subbasin of the Phoenix Active Management Area, as defined by the Arizona Department of Water Resources.

MLM CUSTOMER: Persons who have a valid MLM Permit or Sustainable Service Agreement or qualifying Legacy Customers.

MLM PERMIT or PERMIT: A required written authorization issued by the Department in accordance with Section 8-10-9.

OUTSIDE USER: Any Applicant desiring or Customer receiving service at property located outside the municipal boundaries of the City.

OVER-SEEDING: Seeding a variety of cool weather grass such as ryegrass, bluegrass, or bentgrass into an existing perennial warm weather variety of grass such as bermudagrass.

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PERSON: Any individual, partnership, firm, company, corporation, association, limited liability company, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities.

PUBLIC UTILITY FACILITIES EASEMENT OR PUBLIC UTILITY EASEMENT: Land granted or dedicated to the City for utility related uses and improvements and associated appurtenances and facilities, as applicable.

RATE SCHEDULE: A schedule of rates, fees, charges, and customer classifications, adopted and made effective by Ordinance by the City.

RIGHT-OF-WAY: Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the City for street, highway, alley, public utility, or pedestrian walkway purposes.

SUSTAINABLE SERVICE AGREEMENT: A written agreement between the City and an MLM Customer expressly setting forth provisions and limitations regarding water demand and consumption, including a Demand Ceiling, applicable Allowance, and provisions regarding the transfer of Long Term Storage Credits to the City by the Customer.

SYSTEM: Municipal water transmission and distribution mains, pumps, treatment plants and other facilities used or useful in the provision of potable water utility service by City, (where available from City in its sole and absolute discretion).

TERMS AND CONDITIONS: The Terms and Conditions for the Sale of Utilities, as adopted and amended from time to time by the City by Ordinance.

TRANSMISSION MAIN: Potable water mains located within right-of-way not suitable for customer connection and generally larger than 12 inches in diameter.

TURF-RELATED FACILITY: A facility that applies water to ten (10) or more acres of landscaping. Turf-related Facility includes, but is not limited to, golf courses, parks and recreational facilities, school grounds, churches and cemeteries.

WATER MASTER PLAN: The master plan report, as may be periodically updated, that provides the City's comprehensive plans regarding water demands, water resources, and water production and distribution infrastructure based on factors such as development goals, land uses to be encouraged by the City's provision of water utility service, and the criteria to be considered by City staff, boards, and City Council Committees related to Water and the System, particularly as they relate to MLM Customers.

WATER SHORTAGE MANAGEMENT PLAN: The conditions, limitations, restrictions and other measures taken by the City in the event of a reduction in the availability of water supplies or transmission, treatment or distribution capacity, as set forth in Section 8-10-6.

STAGE ONE SHORTAGE: The first stage of the Water Shortage Management Plan, consisting of voluntary measures to be taken when a prolonged reduction in surface water supplies or available capacity can be predicted in advance, with a goal reduction of approximately five percent of water demand.

STAGE TWO SHORTAGE: The second stage of the Water Shortage Management Plan, consisting of the Stage One voluntary measures, plus additional limitations, restrictions and reductions, to be taken when approximately twenty percent of the City's Central Arizona Project and exchange water supplies are affected, or when approximately fifty percent of SRP stored and developed supplies are affected, with a goal reduction of approximately ten percent of water demand.

STAGE THREE SHORTAGE: The third stage of the Water Shortage Management Plan, consisting of the Stage One and Two measures, plus additional limitations, restrictions and reductions, to be taken when approximately forty percent of the City's Central Arizona Project water and exchange supplies are affected, or when more than fifty percent of SRP stored and developed supplies are affected, with a goal reduction of approximately fifteen percent of water demand.

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STAGE FOUR SHORTAGE: The fourth stage of the Water Shortage Management Plan, consisting of the measures from Stages One through Three, plus additional limitations, restrictions and reductions, to be taken when the City's available surface water and other supplies or capacity are anticipated to be insufficient to satisfy projected demand, with a goal reduction of twenty percent or more of water demand.

(Ord. No. 5863, § 1, 7-8-24)

8-10-3: GENERAL PROVISIONS

- (A) All Applicants, Customers and Persons receiving or using City service from the System are subject to, must comply with, and are deemed to have consented to, this Chapter 10 of Title 8 of the Mesa City Code, as well as the Terms and Conditions and the provisions of applicable Rate Schedules, as well as to such conditions of pressure and supply as the City may provide from time to time through the System and at the property and location served.
- (B) All Customers and Persons receiving and using water service further take and use such service subject to and are deemed to agree to hold the City and the Department harmless from, any damages, losses or claims of any kind arising from low or high water pressure, fluctuations of pressure, interruptions of service, and shortage or insufficiency of supply.
- (C) All System connections must be made, and all meters must be set, by the City on the various Distribution Mains. All repairs on mains, meters, service laterals to the meter, check valves and fire hydrants must also be made by the Department or as approved by the Director. Service must be obtained from Distribution Mains located within right-of-way or a public utility easement acceptable to the Department within the applicable pressure zone. Service is not available from transmission mains.
- (D) The drilling of new domestic exempt wells as defined in A.R.S. § 45-402 within the municipal boundaries of the City is prohibited without the express advance written permission of the Director. Existing wells, and replacement wells drilled in accordance with the Arizona Groundwater Management Act for such existing wells are exempt from the provisions of this Section.
- (E) The City has no obligation to provide new service to Outside User Applicants, nor to provide a larger meter to existing Outside Users.
- (F) The City may require a written agreement as a condition precedent to service:
 - 1. Pursuant to the provisions of an adopted Rate Schedule or this Chapter;
 - 2. In connection with System extension or installation of other System facilities; or
 - 3. When the Department, in its discretion, requires such an agreement due to special, unusual or exceptional circumstances of service as determined by the Director.
- (G) No Person shall willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to traffic, or cause damage to city rights-of-way through failure or neglect to properly operate or maintain any irrigation or landscape watering customer lines and equipment for any period of time after such escape of water should have been discovered and corrected through the exercise of reasonable diligence.

(Ord. No. 5863, § 1, 7-8-24)

8-10-4: MINIMUM REQUIREMENTS FOR POTABLE WATER SERVICE

- (A) In addition to any other applicable requirements of the Mesa City Code and the Terms and Conditions, all Applicants and property for which service is desired shall, as a minimum requirement of receiving service, extend as a portion of the System a minimum of an eight inch Distribution Main (or such size as is determined by the Director) adjacent to and along the entire Frontage of the parcel (if not existing), and along all Frontages of the property if multiple Frontages occur. In addition, Applicants must extend and loop the transmission mains as necessary under the Water Master Plan. All transmission and Distribution Main extensions must comply with applicable Engineering standards. The Director may modify or reduce the requirement that a Distribution Main be extended for the entire Frontage of a parcel if such extension is not needed to provide service to customers beyond the property.
- (B) All extensions of the System, however provided for, shall become the property of the City under control of the City. Title to any System facilities constructed by others shall be tendered to the City prior to City providing service through such facilities. The City's approval and acceptance of any extension facilities shall be within the City's sole discretion, and subject to demonstration of construction in accordance with applicable Engineering standards.
- (C) The Customer will provide at no cost to the City Right-of-Way, a Public Utility Facilities Easement, or a Public Utility Easement, all in a form acceptable to the City, as needed for the purpose of constructing, maintaining and operating the System, and for the service laterals and other facilities required on the Customer's property up to the point of delivery, which is generally the outlet side of metering equipment.
- (D) As a condition of receiving service, all Customers grant a license to the City over Customer's property for the purposes of meter reading, connection and disconnection of service as well as operating, maintaining and replacing the System.
- (E) The City may require that a Customer provide, at the Customer's own expense, suitable equipment (including on-site storage) as necessary to reasonably limit fluctuations in flow and pressure caused by the Customer's equipment or operations where, in the sole judgment of the City, such intermittent or fluctuating use of water may result in either impairment of service to other Customers or damage to the System.

(Ord. No. 5863, § 1, 7-8-24)