

ORDINANCE NO. 658

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 50.57(B), 50.77, 50.83(C), AND 50.84(E)(2)(a) OF THE CODE OF THE TOWN OF PAYSON, ARIZONA, RELATING TO THE CALCULATION OF EQUIVALENT RESIDENTIAL UNITS, WATER WASTE, NEW OUTDOOR SWIMMING POOLS, NEW SPAS IN OR ADJACENT TO MOTEL OR HOTEL ROOMS, THE USE OF EVAPORATIVE COOLERS IN BUILDINGS LARGER THAN THREE THOUSAND SQUARE FEET, AND UNNECESSARY LANGUAGE REFERRING TO OTHER CODES, ALL IN CONNECTION WITH WATER CONSERVATION.

WHEREAS, the Town of Payson has adopted various code provisions relating to water use and water conservation; and

WHEREAS, from time to time, the Town reviews such provisions and refines their application; and

WHEREAS, the Mayor and Common Council have considered several such revisions and have requested this Ordinance for such purposes,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 50.57(B) of the Code of the Code of the Town of Payson, Arizona, be and is hereby amended, and as amended shall read as follows:

**§ 50.57 EQUIVALENT RESIDENTIAL UNIT.**

(B) Each of the following shall be deemed to use one Equivalent Peak Residential Unit, excluding swimming pool and spa installations, and subject to the actual proposed use and landscaping employed:

- (1) 1.5 apartment, townhouse or condominium units;
- (2) 2.2 motel rooms (without spas);
- (3) 3 nursing home beds;
- (4) 5,000 square feet of professional office space; or
- (5) 7,500 square feet of retail merchandising space.

*Prepared by Town of Payson Legal Department*

*SIS drs July 12, 2004 (10 26AM)*

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Section 2. The definition of waste contained in Section 50.77 of the Code of the Town of Payson, Arizona, be and is hereby amended, and as amended shall read as follows:

**§ 50.77 DEFINITIONS.**

**WASTE.** Any non-beneficial use of water within the Town limits that has the capacity to deprive other users within the Town limits of the use of such water for beneficial purposes, as determined by the Public Works Director. **WASTE** shall include, but is not limited to leaks in an indoor or outdoor non-residential plumbing system (faucets, hose bibs, showerheads, toilets and the like) in excess of 0.25 gallons per minute, the unabated outdoor running of water from a hose, faucet or other source not being used for irrigation, and the watering or irrigation of plants and trees at times other than allowed under a conservation level during the time that a conservation level is in effect.

Section 3. Section 50.83(C) of the Code of the Town of Payson, Arizona, be and is hereby amended, and as amended shall read as follows:

**§ 50.83 OUTDOOR CONSERVATION.**

*(C) Prohibitions.*

(1) *Artificial water features.* New artificial water features such as ponds, lakes, water courses, and other types of water features larger than 50 gallons capacity are prohibited. Water features less than 50 gallons capacity must be equipped with a recirculating pump.

(2) *Plants that require spray irrigation.* New plantings that require spray irrigation are prohibited.

(3) *Use of misters.* The use of misters is prohibited.

(4) *Swimming pools.* The construction of new outdoor swimming pools is prohibited.

(5) *Spas.* The construction or installation of new spas in or adjacent to motel, hotel, and bed and breakfast rooms is prohibited.

(6) *Evaporative coolers.* The use of evaporative coolers in buildings larger than three thousand square feet is prohibited, Except as otherwise authorized by the Public Works Director when appropriate to maintain adequate health and manufacturing standards.

Section 4. Section 50.84(E)(2)(a) of the Code of the Town of Payson, Arizona, be and is hereby amended, and as amended shall read as follows:

**§ 50.84 WATER WASTE.**

(E) *Exemptions.*

(2) "Fugitive water" shall not include:

(a) Storm run-off, including snowmelt run-off.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance Number 658 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 of this Ordinance Number 658. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 658 and each section, subsection, sentence, clause, phrase, or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions would be declared invalid or unconstitutional.

Section 6. All ordinances and parts of ordinances in conflict with this Ordinance Number 658 are repealed to the extent of such conflict.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this 8<sup>th</sup> day of July, 2004, by the following vote:

AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

Barbara G. Brewer  
Barbara G. Brewer, Mayor

ATTEST:

Sylvia Smith  
Sylvia Smith, Town Clerk

APPROVED AS TO FORM:

Samuel I. Streichman  
Samuel I. Streichman, Town Attorney