



# **City of Cottonwood**

## **Drought and Water Shortage** **Preparedness Plan**

### **CHAPTER 13.16** **COTTONWOOD MUNICIPAL CODE**

**November 2006**

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## **SECTION 13.16.010**

### **A. EXECUTIVE SUMMARY**

1. In adherence to the Arizona Drought Preparedness Plan issued by the Governor of Arizona, the City of Cottonwood herewith submits its Drought and Water Shortage Preparedness Plan (DWSPP).
2. The City of Cottonwood recognizes the necessity for protection of its water supply by monitoring water use to existing, pending, and future development within its water service areas in order to ensure the continuing economic development and stability of the City, and to promote the health safety and welfare of all citizens, visitors and users of the Cottonwood Municipal Water Utility. This Drought and Water Shortage Preparedness Plan (DWSPP) addresses the options and drought mitigation strategies to reduce the impact of drought and other water shortages to the Cottonwood Municipal Water Utility Users.

### **B. DEFINITIONS**

1. Commercial Provision - An agreement between the City of Cottonwood and a commercial customer where compliance with the Stage Level may cause unreasonable economic hardship. Requests for provision shall be in written form to include the nature of the business and the economic impact the provision will cause. The Utilities Director will consider the provision on a case-by-case basis. Under Demand Reduction Strategy III, new Commercial Provisions may only be considered by the City Council.
2. Contracted Operator – Any person, company or organization under legal contract with the City of Cottonwood to monitor, maintain, affect repair of and/or facilitate operations of the Cottonwood Municipal Water Utility.
3. Demand Reductions – Demand reductions are all measures taken by the water utility to reduce the use of potable water in response to water drought or supply insufficiency conditions. Demand reduction includes measures which would restrict water further than a normal, conservation minded desert lifestyle.
  - a. Water demand reduction during a drought may incorporate both voluntary measures and mandatory ones, such as curtailment of irrigation water use and, in extreme cases, rationing of available supplies. Many of the organizational demand management responses to a drought condition, including conservation measures, are appropriate for responding to a short-duration supply insufficiency. Generally, responses to a systemic failure will be more rapid and may omit intermediate steps normally associated with an incremental drought response plan.
  - b. It is evident that drought is not a constant or totally predictable condition in occurrence or duration. Rather, there are levels of drought and levels of drought impact, and therefore, levels of demand reduction response.
4. Drought - Water drought is a long period of abnormally low precipitation (rain or snow), especially one that adversely affects growing or living conditions. Water drought can be caused by

seasonal or multi-year weather conditions, and is usually systemic and regional in nature and of indeterminable length.

5. DWSPP – Drought and Water Shortage Preparedness Plan.
6. Effluent - Effluent is an outflow from a sewer or sewage system and remains effluent until it acquires the characteristics of ground water and surface water. Effluent that is reused is treated to a quality suitable for non-potable applications such as landscape irrigation, decorative water features, and non-food crops. Such water remains effluent until it acquires the characteristics of groundwater or surface water.
7. Emergency Authority - The City Utilities Director, or a certified operator acting under the direction of the City Utilities Director, has the authority to make operational adjustments and/or changes to the potable water and reclaimed water system for the purpose of protecting the system from damage, maintaining water supply, or restoring the system to operation after a system failure.
8. Even-Numbered Address – Any street address ending in zero (0), two (2), four (4), six (6) or eight (8).
9. Fountain - Any fountain or water feature that is solely or partially used for decorative purposes.
10. Irrigate - To supply land or crops with water by means of pipes or hoses.
11. Odd-numbered address – Any street address ending in one (1), three (3), five (5), seven (7) or nine (9).
12. Potable Water – Water suitable for drinking or cooking purposes from both health and aesthetic considerations, and which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards, published in 42 CFR Part 72, and which is approved for drinking purposes by the City of Cottonwood Municipal Water Users Utility.
13. Reclaimed Water – Recycled wastewater treated to improve its quality. Reclaimed water can serve in many capacities where it is unnecessary to use high-quality potable (or drinking) water. Non-potable uses include but are not limited to: irrigation, wetland restoration, industrial washing and cooling, fire protection, dust control, car washing and geothermic energy production.
14. Safe Production Capability – Water resources available, measured in gallons per day (GPD), based on seventy-five percent (75%) of available capacity.
15. Supply Insufficiency – Supply insufficiency occurs when water available in an area is not sufficient to meet immediate unrestricted demand. A supply insufficiency may be system-wide or very localized and can be of relatively short duration. Supply insufficiencies can be caused by unforeseen increases in water demand, failure of a localized part of the storage or delivery system, water quality problems or any number of other natural or man-made situations that result in an inability to provide a sufficient, unrestricted supply of water.
16. Surcharge – To charge an additional fee, cost or levy to a Cottonwood Municipal Water Utility user for violation of any prohibition of the City of Cottonwood Drought and Water Shortage Preparedness Plan.

17. Total Production Capability - The total water resources available measured in gallons per day (GPD) based on potable water production and distribution components.
18. Wasting Water - To use or expend water thoughtlessly or carelessly. Examples include, but are not limited to, allowing water to run into the street/gutter, allowing water to pool, irrigating during precipitation events, and failing to repair water leaks. A representative of the Cottonwood Municipal Water Utility shall make the determination of Wasting Water.
19. Water Conservation Enforcement Aide – City employees, working under the direction of the Utilities Director or his/her designee, charged with the responsibility of educating the public regarding the City’s Drought and Water Shortage Prepared Plan, and enforcing water restrictions related thereto. The Water Conservation Enforcement Aide enforces compliance with the Plan by field inspections of perceived violations, verbally informing users of the Plan’s prohibitions, and by delivering written warnings and/or written surcharge notifications to users violating those prohibitions.
20. Water Demand Reduction Strategies - An effort initiated to ensure the availability of adequate water resources for the future, and in times of emergency.

### C. PURPOSE AND OBJECTIVE

1. The purpose of the DWSPP is to provide strategies and procedures for periods of time when the City’s normal and customary water supplies may not be able to meet the City’s needs due to below normal rainfall or other issues that have affected the municipality’s water supply. A DWSPP plan is also a resource that can be used should a meteorological drought last for several years.
2. The objective of the plan is to provide ways for the City, businesses, and residents to aid in water demand reduction when a water supply insufficiency occurs, and to provide a framework for operations of the Cottonwood Municipal Water Utility during times of drought and water shortage.

### D. AUTHORITY

1. **Mayor:** The Mayor, upon the recommendation of the Utilities Director, after notification to the City Council, is hereby authorized to declare and suspend Demand Reduction Strategies and elements of Strategies. These may be initiated and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and municipal safe production capability. The Mayor may also authorize exemptions to Strategies and/or elements of strategies when necessary for the protection and preservation of the public health, welfare and safety.
3. **Utilities Director:** The Utilities Director of the Municipal Water Utility Department, and/or his/her designee or contracted operator, has emergency authority to take operational measures deemed necessary to protect the potable water systems.
4. **Exemptions:** This DWSPP is applicable to ALL users of the City of Cottonwood Municipal Water Utility, regardless of whether they live within – or without – the corporate limits of the City. **Private well owners and private ditch operators**, however, who operate water systems, the sources of which are not supplied or maintained by the City of Cottonwood Municipal Water Utility, are **EXEMPT** from this Plan.

## **SECTION 13.16.020**

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### **A. BEST PRACTICES / INDUSTRY STANDARDS**

1. Preparedness: The DWSPP provides City leaders the opportunity to react quickly and implement appropriate restrictions early, while making allowances to suit situational needs. During drought, water shortage, or at all other times, the ultimate goal for the municipality is to protect and preserve public health, welfare and safety and minimize adverse impacts.
2. Responsiveness to Citizens: Cottonwood’s goal is to continue to provide sufficient water to meet the needs of its citizens. Should water shortage conditions arise, the City of Cottonwood wants to be sensitive to the needs of its citizens and water customers and wants to be sure that residential customers and business interests have the opportunity to respond in an informed manner. Shortages should be handled in a manner that minimizes the disruption of the economy so that jobs are protected and regional economic stability is preserved. The citizens of Cottonwood should expect competent implementation of demand reduction measures when they are necessary.
3. Equity and Fairness During Water Shortages: The impacts and hardships caused by drought or other water shortages should be shared equitably and in proportion to the magnitude of the shortage. Not all uses of water are the same. Some uses, such as reserves for fire suppression, critical cooling applications, and medical necessity will have to take priority over less universally beneficial applications of the available resource, such as lawn and park irrigation, maintenance of decorative fountains or water features, and cooling of outdoor recreation areas.
4. Public Education: In order to effectively provide ways for the residents and businesses to participate in water demand reduction when a water supply shortage occurs, the City must provide the public with education and information about the Drought and Water Shortage Preparedness Plan and the City’s Demand Reduction Strategies.
5. Water Conservation: Water conservation, by its very nature, should be a normal component of a well run water utility, which seeks to maintain a reliable water resource, and is particularly applicable to communities like Cottonwood, that are located in desert environments. Water conservation should be an on-going practice of the citizens of the community.
6. Proactive Approach: Effective conservation programs can extend the existing water supply, reduce the costs of finding and delivering additional water, and minimize the damage to the natural ecosystem caused by removing groundwater. For customers, conservation efforts can decrease overall household operating expenses. For both the utility and customers, conservation activities are exercises in responsible behavior.
7. Common Practice of the City: As part of the Best Practices / Industry Standards provisions, it shall be the practice of the City of Cottonwood to mirror – to the degree possible under the prevailing facts and circumstances – the requirements of Water Resource Status Level I, and its corresponding Demand Reduction Strategy I – “Water Alert” as more thoroughly delineated in §13.16.030.
8. Adherence Mandatory: Adherence to Water Resource Status Levels I, II, and III, and their corresponding Demand Reduction Strategies I, II, and III – “Water Alert”, “Water Emergency”,

and Water Crisis”, are mandatory whenever any one of those particular Demand Reduction Strategies have been declared, and are strictly enforced.

9. **Encouragement**: **As part of the Best Practices / Industry Standards concepts in this Plan, the City of Cottonwood strongly encourages all City of Cottonwood Municipal Water Utility users to adhere to Water Resource Status Level I, and its corresponding Demand Reduction Strategy I – “Water Alert” – (Section 13.16.030(A) – requirements ON A DAILY BASIS, regardless of whether that particular Status Level or Reduction Strategy have been ordered by the City Manager and/or the City Utilities Director.**
10. **New Landscaping for Commercial Projects**: New landscaping for commercial projects should only be accomplished with plant materials that require little or no supplemental irrigation water. For such new projects, daily irrigation for purposes of plant establishment should only be allowed for landscaping that is required under the landscaping codes of the City. A thirty (30)-day Landscape Water Permit shall be obtained through the Cottonwood Municipal Water Utility prior to landscape installation and shall be prominently posted at the irrigation site.

## **B. WATER RESOURCE STATUS LEVEL DESCRIPTIONS**

1. Water Resource Status Levels provide comparisons between water demands and safe water production capabilities of the Cottonwood Municipal Water Utility at a given point in time.
2. Resource Status Levels may trigger the implementation of **Demand Reduction Strategies**, the violation of which may result in SURCHARGES being added to a City of Cottonwood Municipal Water Facility user’s utility bill, as further provided in § 13.16.050 of this Drought and Water Shortage Preparedness Plan.
3. Water Resource Status Level Descriptions:

- a. **Resource Status Level I:**

Resource Status Level I is in effect at times when water demand exceeds safe production capability for five (5) consecutive days and/or during the months of May, June, July, August and September, beginning May, 2007.

- b. **Resource Status Level II:**

Resource Status Level II is in effect when water demand exceeds safe production capability by more than twenty percent (20%).

- c. **Resource Status Level III:**

Resource Status Level III is in effect when water demand exceeds maximum production capability, when a temporary or permanent failure of any major supply or distribution facility occurs in the water distribution system, or when the amount of water in storage may impair fire protection for the City.

## **SECTION 13.16.030**

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### **A. Demand Reduction Strategies**

1. The Demand Reduction Strategies outlined in this plan incorporate a variety of measures to reduce the use of potable water in response to water drought or supply insufficiency conditions. Demand reduction includes measures which would restrict water further than a normal conservation minded desert lifestyle.
2. COMPLIANCE WITH DEMAND REDUCTION STRATEGIES IS MANDATORY, FOR ALL COTTONWOOD MUNICIPAL WATER UTILITY USERS, AND ANY VIOLATION OF THE DEMAND REDUCTION STRATEGIES MAY RESULT IN SURCHARGES BEING ADDED TO A CITY OF COTTONWOOD MUNICIPAL WATER FACILITY USER'S UTILITY BILL, AS FURTHER PROVIDED IN § 13.16.050 OF THIS DROUGHT AND WATER SHORTAGE PREPAREDNESS PLAN.
3. Water demand reduction during a drought may incorporate both voluntary and mandatory measures. Many of the organizational demand reduction strategies to a drought condition, including conservation measures, are appropriate for responding to a short-duration supply insufficiency. Generally, responses to a systemic failure will be more rapid and may omit intermediate steps normally associated with an incremental drought response plan.
4. It is evident that drought is not a constant or totally predictable condition in occurrence or duration. Rather, there are levels of drought and levels of drought impact, and therefore, levels of demand reduction strategies. This plan includes three levels of Demand Reduction Strategies, as follows:
5. **DEMAND REDUCTION STRATEGY I**

#### **“WATER ALERT”**

**Goal:** The goal of Strategy I is to reduce water demand to a level where safe production capability exceeds water demand. Demand Reduction Strategy I is designed to work in concert with Resource Status Level I. The following measures are mandatory:

- a. Water shall be conserved both inside and outside the home using best practices available to minimize waste.
- b. Landscaping for residential uses shall be accomplished with plant materials that require little or no supplemental irrigation water.
- c. Outdoor water usage shall not occur between the hours of 9:00am – 5:00pm. Watering days shall be coordinated with your address. Even numbered addresses may irrigate on Wednesday, Friday and Sunday. Odd numbered addresses may irrigate on Tuesday, Thursday and Saturday. For places where there is no discernable address, the even date schedule should be followed (right-of-ways, medians, etc.). No irrigation shall be allowed on Monday.

- d. Automobile washing shall only be undertaken with a bucket and hose with shut off nozzle, other water saving devices such as a pressure washer, or at carwashes that recycle or re-circulate water.
- e. No person shall waste water (see definitions section under “wasting water”).
- f. Cooling of outdoor areas with water or misting devices is prohibited.
- g. Restaurants shall serve water to customers upon request only, and shall display table tents or other types of public notice to this affect.
- h. Hotels shall wash a customer’s linens if a stay is in excess of one night on request only, and the hotel shall display notice to this affect.
- i. Construction projects are required to use reclaimed water or effluent for construction and dust control purposes.
- j. Requests for Commercial Provisions must be made to the Cottonwood Utilities Director.

**6. DEMAND REDUCTION STRATEGY II**

**“WATER EMERGENCY”**

**Goal:** The goal of Strategy II is to reduce water demand to a level where safe production capability exceeds water demand for ten (10) consecutive days. **Demand Reduction Strategy II includes all Demand Reduction Strategy I requirements (§13.16.030(A)(5), with the following additional, mandatory measures:**

- a. Sidewalks, driveways, parking areas, tennis courts, patios, or other similar paved surfaces shall not be washed down with water.
- b. Water shall not be added to fountains, water features, recreational swimming pools, spas, or wading pools holding more than one hundred (100) gallons of water.
- c. No new landscaping for commercial projects shall be installed.
- d. Landscaping not installed, which was required by the City of Cottonwood to meet the Landscaping Requirements of the Cottonwood City Code or Zoning Code, will not delay a Certificate of Occupancy to be issued, providing its installation is delayed as a result of a suspension of new landscaping permits and a surety is provided that is acceptable to the Community Development Department.

## 7. DEMAND REDUCTION STRATEGY III

### “WATER CRISIS”

**Goal:** The goal of Strategy III is to reduce water demand to a level deemed necessary to recover from the loss of supply due to a temporary or permanent failure of any major supply or distribution facility in the water distribution system or to increase water in storage a point where fire protection for the City is not impaired.

**Demand Reduction Strategy III includes all Demand Reduction Strategy II requirements (§13.16.030(A)(6), with the following additional, mandatory measures:**

- a. No potable water shall be used for outdoor purposes.
- b. No potable water may be used in violation of any other restriction deemed necessary by the Cottonwood City Council for the purpose of protecting the welfare of the citizens of Cottonwood.
- c. Water system connection permits shall not be issued and permitted new connections shall not be activated.
- d. No new Commercial Provisions shall be allowed unless approved by the Cottonwood City Council.

## **SECTION 13.16.040**

### **A. DEMAND REDUCTION STRATEGY IMPLEMENTATION**

1. The Cottonwood Municipal Water Utility shall monitor the projected supply and demand for water on a daily basis during periods of emergency or drought and shall recommend to the Mayor and City Manager the extent of the demand reduction measures required to prudently plan and supply water to the water utility customers.
2. The Mayor, upon the recommendation of the Utilities Director, or his/her designee, is hereby authorized to declare and suspend the Demand Reduction Strategies and elements of Strategies that are set forth in this Plan. The Strategies may be initiated and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and municipal safe production capability.
3. The declaration of any change in the Demand Reduction Strategy level may be made by:
  - a. Providing notice to the members of the City Council; and,
  - b. Issuance of a Press Release to radio stations and newspapers of general circulation in the community; and
  - c. Appropriate postings on the City of Cottonwood Web Site; and

- d. Appropriate signage at strategic locations throughout the City, that clearly advise citizens of the prevailing Demand Reduction Strategy is then existing (i.e., “Water Alert” – Water Emergency” – or “Water Crisis”); and
  - e. Personal notice delivered by City *Water Conservation Enforcement Aids*.
4. The Demand Reduction Strategy designated shall become effective immediately upon announcement by the Mayor.
  5. The Notice of Demand Reduction shall give the extent, terms and conditions respecting the use and consumption of water. Upon such declaration and issuance of Press Releases, due and proper notice shall be deemed to have been given to each and every Cottonwood Municipal Water Utility user.
  6. This implementation may require the reallocation of current staff to enforce the provisions of this Plan. In addition, the City may hire “*Water Conservation Enforcement Aids*” to provide this enforcement that are hereby authorized and empowered to enforce the provisions of this Plan. The Cottonwood Municipal Water Utility has emergency authority to take operational measures deemed necessary to protect the potable water systems.

## **SECTION 13.16.050**

### **A. GENERAL POWERS OF COMMON COUNCIL**

1. Pursuant to A.R.S. § 9-240(B)(28)(a), the City has the power to “make, amend or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the [City], or any department or officer thereof.” *Id.*
2. Pursuant to A.R.S. § 9-511(A), [the City] may engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the [City], and may construct, purchase, acquire, own and maintain **within or without its corporate limits** any such business or enterprise [including] sites and rights-of-way for public utility . . . purposes, and for the location thereon of waterworks . . .” *Id.*(emphasis added).

### **B. VIOLATIONS, WARNINGS, SURCHARGES**

1. All Demand Reduction Strategies of the Plan shall be enforced, administratively, by the City of Cottonwood Municipal Water Utility.
2. Enforcement of the Plan may require the reallocation of current City of Cottonwood Municipal Water Utility staff to enforce the provisions of this Plan. In addition, the City may hire “*Water Conservation Enforcement Aides*” to provide this enforcement that are hereby authorized and empowered to enforce the provisions of this Plan.
3. Enforcement shall consist of public education forums, on-site inspections by Water Conservation Enforcement Aids, written warnings, and, as a last result, the addition of surcharges to the monthly utility bills of any City of Cottonwood Municipal Water Utility user found in violation of the Plan.

4. Violations of this Plan shall result in the levying of the following surcharges:
  - a. A surcharge of \$ **25.00** shall be assessed to the account of record for a violation of **Demand Reduction Strategy I “Water Alert”** – § 13.16.030(A)(5) *et seq.*
  - b. A surcharge of \$ **50.00** shall be assessed to the account of record for a violation of **Demand Reduction Strategy II “Water Emergency”** – § 13.16.030(A)(6) *et seq.*
  - c. A surcharge of \$ **100.00** shall be assessed to the account of record for a violation of **Demand Reduction Strategy III “Water Crisis”** – § 13.16.030(B)(7) *et seq.*
  - d. Surcharges shall double for every repeat violation.
  - e. Each succeeding surcharge under the prevailing strategy level may be twice the previous surcharge assessed for the previous violation.
  - f. The cycle of surcharges for violations of this Plan shall begin anew on January 1<sup>st</sup> of each calendar year.

#### **C. APPEAL OF ASSESSMENT OF SURCHARGE**

1. The assessment of a surcharge may be informally appealed, in writing, within fourteen (14) calendar days of the notice of the surcharge assessment.
2. The written appeal shall be received by the City of Cottonwood Utilities Department within said fourteen (14) calendar day time limit, or the right to such appeal shall be permanently waived.
3. The written appeal shall be reviewed by a Water Utility Appeals Committee, which shall be comprised of the following members:
  - a. Two (2) members of the general public, each of which must be at least 21 years of age at the time of appointment, and who must be users of the Cottonwood Municipal Water Utility.
  - b. The Cottonwood City Finance Director.
4. The two (2) members of the general public shall be appointed by the City Manager, and shall serve at the pleasure of the City Manager for a period not to exceed three (3) years. They may be removed and replaced – at any time – as the City Manager determines appropriate.
5. The Water Utility Appeals Committee shall determine whether the appeal has merit, taking in to account all the available facts and circumstances. In assessing the merits of any appeal, the Water Utility Appeals Committee shall have full authority to review all documentation of the account of record under appeal.
6. The Water Utility Appeals Committee shall have the authority to hear testimony on behalf of the appellant and the Water Utility.
7. The Arizona Rules of Evidence do not apply in the appeal process.

8. The Water Utility Appeals Committee shall render a written decision to the appellant within ten (10) calendar days after receipt of the appeal.
9. Decisions of the Water Utility Appeals Committee are final.
10. All surcharge-related correspondence shall be addressed to:

City of Cottonwood Utilities Department  
319 South 6<sup>th</sup> Street  
Cottonwood, AZ 86326

**D. TRACKING OF SURCHARGES**

1. All surcharges collected for violations of this Plan shall be forwarded by the Cottonwood Municipal Water Utility to the City Finance Department.
2. The City Finance Director, or his/her designee, shall credit the received funds back to the Cottonwood Municipal Water Utility.

**SECTION 13.16.060**

**A. PLAN AMENDMENTS**

1. In an effort to meet the purpose, objectives and goals of this Plan, the City may amend this Plan pursuant to prevailing facts and circumstances at any given point in time.
2. If any provision of this Plan is found to be in violation of any Arizona law, statute, ordinance, case opinion or regulation by any court of record, the remaining provisions of this Plan shall remain in full force to the degree possible under Arizona law.