

ORDINANCE NO. XXXX-XXXX

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 1 OF THE GOODYEAR CITY CODE BY AMENDING SECTION 1-3-2 PERTAINING TO DEFINITIONS AND INTERPRETATIONS; AMENDING CHAPTER 14 OF THE GOODYEAR CITY CODE BY AMENDING SECTION 14-1-1 PERTAINING TO DEFINITIONS, SECTION 14-2-2 PERTAINING TO PRIVATE WATER SYSTEMS, SECTION 14-2-3 PERTAINING TO APPLICATION FOR SERVICE, SECTION 14-2-4 PERTAINING TO GROUNDS FOR REJECTION OF APPLICATION, ADDING A NEW SECTION 14-2-10 PERTAINING TO SUSTAINABLE WATER POLICY FOR NEW OR EXPANDED SERVICE, AND AMENDING 14-3-3 PERTAINING TO TERMINATION UNDER CERTAIN CONDITIONS, SECTION 14-5-7 PERTAINING TO WASTE OF WATER PROHIBITION, SECTION 14-8-1 PERTAINING TO SECTIONS AS PART OF CONTRACT, SECTION 14-10-1 PERTAINING TO ENFORCEMENT, PENALTIES, AND AMENDING CHAPTER 18 OF THE GOODYEAR CITY CODE BY AMENDING SECTION 18-1-4 PERTAINING TO AUTHORITY TO ISSUE CIVIL CITATIONS.

WHEREAS, on May 19, 2025 the City adopted a Water Resource Allocation Policy to guide future water services availability and processes within the City; and

WHEREAS, the City desires to enact certain ordinance updates and new provisions to implement the City's Water Resource Allocation Policy and to make certain other Code updates.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDMENTS TO GOODYEAR CITY CODE.

Chapters 1, 14, and 18 of the Goodyear City Code are hereby amended as shown in **Exhibit A** attached hereto and incorporated herein by reference.

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. CLERICAL CORRECTIONS

The City Clerk is hereby authorized to correct typographical, clerical, and grammatical errors, if any, related to this Ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the City Code. Any changes shall be in writing and approved by the City Attorney.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Jasmine Pernicano, City Clerk

Roric Massey, City Attorney

Exhibit A

Amendments to the Goodyear City Code of Ordinances, Chapters 1, 14, and 18

HOW TO READ THIS DOCUMENT:

Applicable sections titles of the affected City Code are in **highlighted bold text** for ease of readability.

Provisions being deleted are show in red strikethrough text, like this: ~~Provisions that are being deleted.~~

Provisions that are being added are shown in underlined blue text, like this: Provisions that are being added.

Only those changes noted in the blue or red styles above are changes. Plain black text and missing regulations, graphics, or other text in the existing Code is unchanged.

Amend Chapter 1 - General Provisions, Section 1-3-2 Definitions and Interpretations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

1-3-2. Definitions and Interpretations.

For the purpose of ~~this chapter~~the Goodyear City Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) Acts by agents. When an act is required to be done which may by law as well be done by an agent as by the principal, such requirements shall be construed to include all such acts when done by an authorized agent.

(B) AND, OR. AND may be read or, and OR may be read and, if the sense requires it.

(C) BOND. When a bond is required, an undertaking in writing shall be sufficient.

(D) CHARTER. The Charter of the City of Goodyear.

(E) CITY. The City of Goodyear, Maricopa County, Arizona, except as otherwise provided. The words IN THE CITY or WITHIN THE CITY shall mean and include all territory over which the City has jurisdiction for the exercise of its police powers or other regulatory powers as authorized by statute.

(F) CODE. The municipal code of the City of Goodyear, unless the context indicates otherwise.

(G) COUNCIL. The City Council of the City of Goodyear.

(H) COUNTY. Maricopa County, Arizona, unless the context clearly requires otherwise.

(I) DAY. The period of time between any midnight and the midnight following.

(J) DAYTIME, NIGHTTIME. DAYTIME is the period of time between sunrise and sunset. NIGHTTIME is the period of time between sunset and sunrise.

(K) DEPARTMENT, BOARD, COMMISSION, OFFICE, OFFICER OR EMPLOYEE. Whenever any DEPARTMENT, BOARD, COMMISSION, OFFICE, OFFICER OR EMPLOYEE is referred to, it shall mean a department, board, commission, office, officer or employee of the City unless the context requires otherwise.

(L) Gender; singular and plural. Words of the masculine gender include the feminine; words in the singular include the plural and words in the plural include the singular.

(M) Joint authority. All words purporting to give a joint authority to three or more city officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

(N) KEEPER, PROPRIETOR. Includes persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through an agent, servant or employee.

(O) MONTH. A calendar month.

(P) OATH. Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words SWEAR and SWORN shall be equivalent to the words AFFIRM and AFFIRMED.

(Q) OWNER. Applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of part of such building or land.

(R) PERSON. Includes a corporation, company, partnership, association or society as well as a natural person.

(S) PERSONAL PROPERTY. Every species of property, except real property as defined in this section.

(T) PRECEDING, FOLLOWING. Next before and next after, respectively.

(U) PROPERTY. Includes lands, tenements and hereditaments and personal property.

(V) PUBLIC PLACE. Any thoroughfare, park, open space or building not privately owned or controlled.

(W) REAL PROPERTY. Lands, tenements and hereditaments.

(X) SHALL, MAY. SHALL is mandatory and MAY is permissive.

(Y) SHALL HAVE BEEN. Includes past and future tenses.

(Z) SIDEWALK. Any portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

(AA) SIGNATURE or SUBSCRIPTION BY MARK. Includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his or her own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

(BB) STATE. The State of Arizona unless the context clearly requires otherwise.

(CC) STREET. Any alley, lane, court, boulevard, public way, public square, public place, sidewalk or thoroughfare.

(DD) TENANT or OCCUPANT. Applied to a building or land shall include any person holding a written or an oral lease of or who occupies the whole or part of such building or land, either alone or with others.

(EE) Tenses. The present tense includes the past and future tenses, and the future includes the present.

(FF) Time; computation. The time within which an act is to be done as provided in this code or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is a Saturday, Sunday or holiday it shall be excluded; and when such time is expressed in hours, the whole of Saturday, Sunday or a holiday, from midnight to midnight, shall be excluded.

(GG) Time; reasonable. In all cases where any section of this code shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(HH) WEEK. A week consists of seven consecutive days.

(II) WRITING. Any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless expressly provided otherwise.

(JJ) YEAR. A calendar year unless otherwise provided.

Amend Chapter 14 - Water, Section 14-1-1 Definitions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-1-1. Definitions.

For purposes of this ~~chapter~~ Chapter 14, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR GAP means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved air gap shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel — in no case less than one inch.

ALLOCATE or ALLOCATION shall mean the City's act(s) of estimating water resources the City controls or may control in the future that is reasonably available for delivery in the City's water system to current and future water customers. Allocation of water under this Chapter 14 does not convey any rights to the use of, or ownership, or reservation of such water resources to any customer being served or potentially to be served by the City's water system. City allocations will change over time as conditions change, including shortage conditions.

APPROVED BACKFLOW PREVENTION ASSEMBLY means an assembly of the size and type approved by the City that has been manufactured in full conformance with the American Water Works Association standards for reduced pressure principle assembly devices, as modified from time to time, and have met completely the laboratory and field performance specifications of the foundation for cross-connection control and hydraulic research of the University of Southern California as exist from time to time and, where on a fire system, have underwriters laboratory and factory mutual approval, or as otherwise described, limited or provided in this chapter.

BACKFLOW means the reversal of flow of water or mixture of water and other liquids, gasses or other substances into municipal distribution pipes or the potable supply of municipal water.

CERTIFIED BACKFLOW PREVENTION ASSEMBLY TESTER means a person who is certified to test backflow prevention assembly by either the American Backflow Prevention Association or other recognized certifying body.

CITY MANAGER means the City of Goodyear City Manager or his/her designee.

COMMERCIAL ACCOUNT means an account for utility services from the City for any use other than a ~~profit or nonprofit business, and multi-family residential dwelling units excluding Single Family Residences~~ single family residence.

COMMUNITY WELL means any well that is not part of a public water system.

CONTAMINANT means the same meaning as found in A.R.S. §§ 49-171 and 49-201.

CROSS-CONNECTION means a cross-connection as defined in § 104-M of the Plumbing Code as amended and as adopted by the City from time to time.

CUSTOMER means the property owner or any person, renter, lessee, occupant, government agency, nonprofit or entity responsible for payment of utility service(s) provided by the City.

DIRECTOR means the person or his/her designee authorized by the City Manager to administer, implement and enforce the provisions of this chapter.

DWELLING UNIT means a room or a group of rooms within a building designed for occupancy by one family, and having independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation.

ENVIRONMENTAL SERVICES DIVISION means the Environmental Services Division Manager or designee, or any entity with which the City contracts to provide the specific service(s) identified in this chapter on behalf of the City.

HAZARDOUS SUBSTANCE means the definition provided in 40 CFR Part 261.3.

INACTIVE SERVICE LINES means City water service lines connecting to properties with or without City meters that have not maintained active accounts with the City for water services, and have not received water from the City under such accounts for twelve consecutive months.

INHABIT means to live or dwell in any structure required to have a utility account on a temporary or permanent basis.

KNOWINGLY means with respect to conduct or to a circumstance described by an ordinance defining an offense, that a person or enterprise is aware or believes that his/her/its conduct is of that nature or that the circumstance exists. It does not require any knowledge of the unlawfulness of the act or omission.

LARGE WATER USER shall mean existing and new City water users in any land use category or categories that make a change or intend to develop, redevelop, or otherwise make a change in property or water use that causes or will cause total water demands to exceed the City's water use allocation.

OCCUPANT means a person, persons or legal entity that, through rights of ownership, tenancy or other legal means has possession or the use of the subject real property.

PERSON means any enterprise, individual, partnership, co-partnership, firm, company, corporation, association, trust, estate, governmental entity, municipality, State or Federal agency or any other legal entity; or their legal representatives, agents, assigns or employee thereof.

POTABLE WATER means water that meets the standards for drinking purposes as defined by State and Federal law.

PRIVATE PROPERTY means any real or personal property which is privately owned.

PRIVATE WATER SYSTEM means a water system that consists of an exempt well, as defined in A.R.S. § 45-402, installed at, or in proximity to, a site or an alternative, engineered system installed at a site to supply potable water for use at the site. A private water system does not include water systems that are classified as a community water system, as defined in A.R.S. § 45-341, or a public water system, as defined in A.R.S. § 49-341.

PROPERTY means buildings, ground, lots, tracts of land, or other real property whether publicly or privately owned.

PROPERTY OWNER means any person, with reference to real property, that holds or has any of the following: (A) fee title, (B) equitable title, (C) any possessory right, (D) the right to occupy the premises, or (E) the right to lease, sublease or authorize another to occupy the premises for real property located in the City of Goodyear. A person is presumed to be a property owner if identified as such on any of the following: a deed, contract, lease agreement, sales agreement, the Maricopa County Recorder's Office, Maricopa County Assessor's Office and/or any other public record system wherein these records may be located.

PUBLIC PLACE means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, buildings, facilities or other real or personal property which are publicly owned.

PUBLIC WATER SYSTEM means a system owned and operated by the City of Goodyear for the provision to the public of water for human consumption through pipes or other constructed conveyances or as defined in the Safe Water Drinking Act of 1996, as amended.

REDEVELOPMENT or REDEVELOP shall mean any change that causes an increase in annual water use, regardless of whether the change requires a permit or approval from the City. Redevelopment includes, by way of example, but not limitation, use changes, tenant improvement changes, zoning changes, construction changes, and landscape changes.

SINGLE FAMILY RESIDENCE means a **single family** detached **dwelling** building containing a room or group of rooms designed for occupancy by one family, and having independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation located on a legally recognized parcel of land intended to contain one dwelling unit and its accessory structures, which accessory structures may include a building with a room or group of rooms designed for occupancy by one family, and having independent living facilities including permanent provisions for living, sleeping, eating, cooking, and sanitation.

SINGLE FAMILY RESIDENTIAL ACCOUNT means an account for a single family **detached dwelling** residence which receives utility services from the City.

WATER USE ALLOCATION means the following:

- (1) For existing City water customers as of January 1, 2026, the customer's historic annual average water use of City-provided water resources of all types for the continuation of the same average annual water use for full calendar years of water use in 2023, 2024, and 2025 so long as such continued uses were and remain consistent with applicable conservation requirements or
- (2) So long as sufficient uncommitted water resources remain reasonably available for commitment to new or expanded uses by the City, the most recent City Council-accepted allocation of water demand for the applicable land use in the water master plan.

The City's determination of a water use allocation for existing or new City water customers may change over time as City resources change, such as for shortage conditions. The water use allocation is a maximum limit for water services that is intended to assist the City to reasonably plan and control use of shared scarce resources fairly among many users. The water use allocation is not a water right or City promise or guarantee that such level of water service will be available.

UNDUE HARDSHIP means an undue or unreasonable burden or requiring extreme difficulty or expense, as determined on a case-by-case basis.

UTILITY ACCOUNT means all accounts with the City of Goodyear for sanitation, sewer and/or water when provided by the City.

UTILITY SERVICE(S) means sewer, sanitation and/or water service provided by or on behalf of the City of Goodyear.

WATER MAIN means a water supply pipe for public or community use.

WATER MASTER PLAN shall mean the most recent City Council-approved integrated water, wastewater, and reclaimed water master plan, including any supplement or amendment thereto.

WATER METER means a device used to measure the quantity or rate of water flowing through a pipe.

WATER UTILITY means any public service corporation engaged in the generation, transmission or delivery of water, including the State or any political subdivision or agency of the State. For purposes of this section only, water utility shall also include an irrigation district.

Amend Chapter 14 - Water, Section 14-2-2 Private Water Systems, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-2-2 Private water systems.

(A) Where water service by a public water system is not available as provided in ~~Section~~Sections 14-2-1 and 14-2-4 or because the City has otherwise denied service, and if allowed by law, a new or existing private water system or ~~an existing community well~~ a new or existing private or shared well may be used to provide potable water to the site. There shall be

no connection to the City's water distribution system with a private water system or a private or shared well. The use of an individual on-site potable water storage system using hauled water may only be accepted as the source of potable water for the site when a sworn signed statement from the Arizona Department of Water Resources or a professional hydrologist and/or geologist registered with the State of Arizona stating that water is not available to the site by way of an individual well is submitted to the City Engineer or designee, for review and approval.

(B) New Buildings. Before issuance of a building permit for any building to be served by a private water system, the applicant must demonstrate that all of the following requirements have been met:

~~(1) The water system for the building has been designed so that a private water system service line stub is located in the front of the building to facilitate future connection to the public water system; and~~

~~(1)(2) The property owner(s) have signed and recorded with the Maricopa County Recorder's Office an affidavit of disclosure stating that the current and future property owner(s) rely on a private well, shared well, or hauled water, if applicable, and agree not to object to any application by the City to drill a public well for the public water system ~~that is intended to provide water service to the property.~~~~

(2) The applicant certifies to the City that the applicant has access to a legally available and reliable source of water; and

(3) The applicant has recorded with the Maricopa County Recorder a waiver that runs with the land in a form approved by City that holds City harmless for any claims related to or arising from a lack of water being available to the building, including any government enforcement actions resulting from a lack of water availability to the property.

(C) Existing Buildings. Where an existing building is served by a private water system, the use of the private water system may continue after a public water service is available. However, if the property owner chooses to connect to the public water system, and if the City agrees to provide service per City policies in effect at the time request for water service is made, then; the private water system shall be discontinued and abandoned in accordance with the standards and requirements of the Arizona Department of Water Resources, Arizona Department of Environmental Quality and the Maricopa County Environmental Services Department. The City Manager shall be authorized to allow the continued use of a private water system in those situations where discontinuance of the private water system will create an undue hardship on the property owner(s) and continuance of the private water system will not adversely affect the operation of, or water supply for, the City's public water system.

Amend Chapter 14 - Water, Section 14-2-3 Application for Service and Expanded Service, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-2-3 Application for Service and Expanded Service.

(A) Application for Utility Service at Existing and Proposed Service Locations; Expanded Service Requests. Service applications are required of all persons requesting activation of utility service(s) at properties already fully connected to the City's water distribution system including transfers, for all requests to increase existing water volumes or to add or increase the size of meters, and for proposed new connections to the City's water services. Application information must be submitted for each service address and proposed service address. An application must also be submitted when requesting any transfer of service. An activation fee will be charged for the activation of any new utility service. The activation fee will be due any time an application is submitted, but will be refunded if the City declines a service activation or connection request. No more than one activation fee will be required when a person is signing up for multiple utility services with the City at one location. Once the application for water service has been approved, activation of water service will occur on the next business day. Same business day activation and request for activations outside of business hours will result in the assessment of an additional fee.

(B) Required Information. Applicants shall provide the following information when activating an account:

- (1) Single Family Residential Accounts.
 - (a) Legal names of all responsible parties, entity or individual, must include all persons identified on the rental or lease agreement;
 - (b) Social security number and/or Federal tax identification number for commercial entities;
 - (c) Service address;
 - (d) Mailing address, if different;
 - (e) If property owner, provide proof of ownership;
 - (f) If tenant, provide landlord's name and address and copy of occupancy agreement (rental or lease agreement);
 - (g) If agent, provide proof of agency;
 - (h) Applicant's employer's name, address and phone number;

(i) Requested start date;

(j) A photocopy of a valid driver's license/identification card or other official government identification;

(k) For a proposed new City water service connection or expansion of service, details of the proposed connection location, use, property to be served, copies of any City agreements regarding water service, and

~~(k)~~ (l) Any other information deemed relevant by the Director.

(2) Commercial ~~and Multi-Family Residential~~ Accounts.

(a) Legal name(s) of all responsible parties/entities;

(b) Federal tax identification number and/or social security number;

(c) Service address;

(d) Mailing address, if different;

(e) Name and address of property owner(s);

(f) If property owner, provide proof of ownership;

(g) If tenant, provide:

1. Landlord's name and address and copy of rental or lease agreement.

2. Names of all persons identified on the rental or lease agreement;

(h) If agent, provide proof of agency;

(i) Requested start date;

(j) A photocopy of a valid driver's license/identification card, or other official government identification;

(k) For a proposed new City water service connection or expansion of service, details of the proposed connection location, proposed meter size(s), proposed uses, projected quantity of water to be purchased per calendar year, a full description of the property to be served, copies of any City agreements regarding water service, and

~~(k)~~ (l) Any other information deemed relevant by the Director.

(C) All applications for any and all utility service(s) submitted by any person or entity shall be signed by the person who will be responsible for payment of the utility services to be provided by the City, or a person legally authorized to act on their behalf. When submitting an application electronically, the named applicant(s) on the application will be deemed to have signed the applications.

(D) It is the responsibility of the customer to ensure that the customer's contact and billing information on file with the City remains current at all times.

Amend Chapter 14 - Water, Section 14-2-4 Grounds for Rejection of Application, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-2-4 Grounds for Rejection of Application for New Connections to City's Water System, Expansions of Uses, and Transfers of Existing Service Connections.

Provided there is no change in the volume of water that will be required, the City will transfer existing active service connections to successor active customers, subject to compliance with the City's then-current ordinances and policies regarding such water service. New water service connections, new meters, and reactivation of inactive service lines may not be available for areas inside and outside the City due to limited uncommitted water resource availability. The City's decision whether to establish a new water service connection and/or set a new or replacement meter at any location inside or outside the City will be made by the City at the time an application is submitted to the City, applying the then-current City water master plan and policies. The City may condition new services with enforceable annual water quantity limitations as are determined by the City to be needed to protect the City's water resources for reasonable protection of water access of all City water customers. New water uses and existing users who seek expanded service must comply with section 14-2-10. The City also reserves, at all times, the right to reject an application or terminate any utility service should any person ~~provide~~provides false or misleading information on their application; ~~fail~~fails or ~~refuse~~refuses to provide all information requested on the application; water service is not available under a standard rate; providing water service involves excessive service expense; or until the applicant requesting sanitation service pays in full any and all outstanding utility balance(s) for all utility accounts of the named applicant(s).

Appeals. Any person aggrieved by a decision made under this section 14-2-4 may appeal in writing to the City Manager or designee. Such written appeal will occur within 30 days after notice of the city's action complained of has been mailed to the aggrieved person or entity at the address identified in the application. The appeal shall contain a written statement describing the grounds for the appeal and the relief requested. The City Manager shall issue a written decision within 30 days from receipt of the written statement. The City Manager's written decision will be final and conclusive.

Amend Chapter 14 - Water, New Section 14-2-10, Sustainable Water Policy for New or Expanded Service, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-2-10 Sustainable Water Policy for New or Expanded Service

(A) Sustainable Water Policy Adopted.

(1) Goodyear has finite water resources that are insufficient to serve all future uses in all parcels currently located within the Goodyear planning area. Goodyear allocates available and uncommitted water supplies to new and expanded uses consistent with Goodyear's water master plan as such plan is updated from time-to-time. Water resources have not been planned for acreage outside city limits, and annexations will not be made for the sole purpose of extending new water service to the land. The water allocation policy and requirements in this section will assist Goodyear in maintaining a sustainable water supply for existing users and to fairly allocate uncommitted and available water resources to a limited quantity of future uses. This sustainable water policy applies to proposed expansions in the quantity and nature of existing uses and proposed new uses to be served by Goodyear. This sustainable water policy does not apply to non-city water services, such as water services provided by privately-owned water providers within Goodyear.

(B) Maximum Water Use.

(1) The water usage of all water users receiving or seeking to receive water services from the City is limited to the City water use allocation.

(2) The City water use allocation for a mixed-use development shall include a separate calculation for each land use for each parcel within the development.

(3) The City water use allocation for vacant acres within the City cannot be shifted to other acres.

(4) Any unused or underused City water use allocation for undeveloped or developed acres shall not be considered available for use by other acres and shall remain in City's control.

(5) Large water users may only exceed the City water use allocation if the Water Services Director specifically grants an increase in the water use allocation in accordance with this Chapter through a large water user service agreement approved by the City Council and executed by the applicant.

(6) The Water Services Director may waive the requirements of this chapter for a water user that requires a new meter or expanded water use on a parcel that already has

water service where the total water use will not exceed the City water use allocation for that use in the City's newest water master plan.

(C) Large Water User Service Application.

(1) A large water user water service application shall be required to request in advance new or expanded water service if the new or expanded water service may exceed the City's water use allocation.

(2) The large water user service application shall identify the type of water use proposed, the size of the structures and landscaping in the development or redevelopment, annual and monthly water use, proposed conservation measures, the phasing of development or redevelopment as applicable, and any other information required by the Water Services Director.

(3) The Water Services Director shall review and may approve or deny a large water user service application. In determining whether to extend service for a large water user, the City may consider, among other things:

- (a) Economic impacts of the proposed large water use to residents, businesses, and the City, which includes the benefits of the proposed use as well as the impacts of decreased water availability for potential future private and city development opportunities
- (b) Necessity of a proposed service to an area of the City where such service is inadequate
- (c) Availability of uncommitted City water resources
- (d) Conservation measures taken

(4) Large water user maximum water use determination.

- (a) The Water Services Director will determine whether, based on City water resources availability and the most recent water master plan and the factors in this section, the development or redevelopment associated with a proposed large water use, or other change in water use exceeding the City water use allocation, is eligible for additional water and if so, how much.
- (b) If the Water Services Director determines that additional water is not available for the development or redevelopment or other change in use, then to receive such service the large water user must purchase and dedicate to the City the additional quantity of water exceeding the City water use allocation, including a purchase of such water from the City if the City determines in its sole discretion to make such water available for a use. Additional water resources dedicated to the City must be sustainable water resources available in the City's approved order of designation of assured water supply for no less than 100 years, and that are deliverable to the City in a manner and at a cost acceptable to the City in its sole discretion.

(5) Appeals. Any person aggrieved by a decision made under this section 14-2-10 may appeal in writing to the City Manager or designee. Such written appeal will occur within 30 days after notice of the city's action complained of has been mailed to the aggrieved person or entity at the address identified in the application. The appeal shall contain a written statement describing the grounds for the appeal and the relief requested. The City Manager shall issue a written decision within 30 days from receipt of the written statement. The City Manager's written decision will be final and conclusive.

(D) Large Water User Water Service Agreement Required.

(1) A large water user who is approved for the use of any amount of water in excess of the City's water use allocation shall enter into a large water user water service agreement. The large water user water service agreement shall include:

- (a) A term not to exceed one hundred (100) years.
- (b) The agreed maximum water use that is permitted for the property and the specific use. The agreed maximum water use is not a guarantee of availability but rather a maximum limit, and is still subject to applicable conservation and shortage provisions applicable to all other City water customers unless otherwise specifically agreed by the parties.
- (c) Provisions for transfer to subsequent owners of the real property underlying the agreed maximum water use with continued equivalent water use only upon City approval.
- (d) Terms and conditions for the large water user's purchase and delivery of additional water resources necessary for service to the property and use.
- (e) Other terms and conditions City determines necessary for City to agree to the allocation of additional water service to the property and use.
- (f) Provisions for enforcement of the agreed maximum water use for repeated exceedances or other violations, including violations of ordinances and the City's installation of a flow restriction device and/or termination of water services.
- (g) Recording with the Maricopa County Recorder within thirty (30) days after the City executes the agreement.

(2) City may, but is not required to, on a case-by-case basis, assist an applicant to locate, purchase, and transport a water resource to enable City to provide additional water service to such applicant. Such City assistance may include, but is not required to include, City sale of access to water supplies that the City has or may purchase from time-to-time for City use. Payments to the City for water resources, if arranged in the

City's sole discretion, shall be determined by the City on a case-by-case basis through a written agreement, and any payments related to such additional water resources are not development fees as that term is defined in Arizona Revised Statutes section 9-463.05.

Amend Chapter 14 - Water, Section 14-3-3 Termination Under Certain Conditions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-3-3 Termination under certain conditions.

(A) The City may terminate water service under any of the following conditions:

- (1) To prevent fraud or abuse
- (2) For the violation of this chapter or of any Federal, State, or local laws applicable to water service or environmental issues including violations listed in section 14-5-5, 14-5-7, and section 14-2-10;
- (3) Insufficient supply caused by factors outside the control of the City;
- (4) Legal process;
- (5) Direction of public authorities;
- (6) Local emergency requiring emergency measures, or for emergency repairs;
- (7) Tampering with meter by the customer or someone on their behalf;
- (8) Nonpayment of any utility charges or deposit(s); ~~or~~
- (9) False information provided in the application or in the application process; or
- (10) In accordance of terms in a large water user water service agreement entered pursuant to subsection (D) of section 14-2-10.

(B) The City will use reasonable efforts to notify customers prior to the termination of services due to emergency circumstances. In the event the City has determined it necessary to discontinue services for reasons listed in subsection (A)(1), (A)(2), or (A)(7) of this section, the City is authorized to terminate services without prior notice to the customer. Prior to terminating service for reasons listed in subsection (A)(3), (A)(4), (A)(5), or (A)(8) or (A)(10) of this section, the City will give written notice to the customer. All customers will be provided an opportunity ~~for a hearing with to appeal the termination of service to~~ the City Manager ~~to address any complaints that may arise with the termination of service.~~ Except for appeals of terminations for nonpayment, which shall All hearings will be held in accordance with Section 14-2-8(D), appeals for terminations under this Section 14-3-3 shall be submitted in writing to the City Manager within 30 days after notice of the city's action complained of has been mailed to the aggrieved person or entity at the address identified in the application. The appeal shall contain a written statement describing the grounds for the appeal and the relief requested. The City Manager shall issue a written decision within 30 days from receipt of the written statement. The City Manager's written decision will be final and conclusive.

(C) Inactive Meters. If a City meter has been inactive and had unpaid service for more than 12 months, after providing the landowner of record with 30 days' advance written notice, the City may permanently remove the City's meter at such connection. Upon removal of the City meter and the City's accounts for such meter will be inactivated and will stop accruing monthly service charges, but all prior sums due shall remain due until paid. City may, but is not required to, restart service with installation of a new meter at the connection only if all outstanding sums due

for all prior users of the old meter, regardless of identity, are first paid in full. After meter removal by City under this subsection, any request to reconnect the service will be deemed to be a request for a new service connection subject to the City's then-current policies for new connections including related fees and without regard to the history of service at the connection.

(1) Any fire service lines serving the same properties as standby service with separate supply line may be inactivated under this subsection at the City's discretion concurrently with City meter removal.

Amend Chapter 14 - Water, Section 14-5-7, Waste of Water Prohibition, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-5-7 Waste of water prohibition.

(A) Waste of Water. For the purposes of this section, **WASTE OF WATER** shall mean to use, ~~overconsume~~~~consume~~ based on historical use, or ~~to~~ expend water through leaks on water customer's property or elsewhere, at such a rate that ~~it~~ water overflows the basin or object into which it flows, including the landscaped areas of any premises, creates standing water on the customer's property, leaks into adjacent properties, leaks into public property or into the rights-of-way including gutters, storm drains, ditches or other drainage conveyances, or sprays from a permanently installed irrigation system with a broken head or emitter, or sprays more than 10% of the total spray from a misdirected emitter, onto the surrounding basin or object, onto public property or into the rights-of-way including gutters, storm drains, ditches or other drainage conveyances. All persons and customers shall prevent waste of water and keep all water outlets closed when not in use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures shall not be left running while unattended. The washing of motor vehicles, automobiles, trucks, trailers, boats and other types of mobile equipment shall be done only with a ~~handheld~~~~hand held~~ hose equipped with an automatic shut-off nozzle that completely shuts off the flow of water, even if left unattended. Except as otherwise provided herein, it is a waste of water to water turf (water grass) installed after January 1, 2027 unless the turf is intended for active recreational activities and that are typically improved with recreational equipment or facilities such as sports courts, fields, buildings or other structures and the size of the turfed area does not exceed what is reasonably needed to accommodate the intended recreational activity.

(B) Exceptions. WASTE OF WATER shall not include:

- (1) Flow resulting from fire fighting or routine inspections of fire hydrants or from fire training activities.
- (2) Water applied to abate spills of flammable or otherwise hazardous materials.
- (3) Water applied to prevent or abate health, safety, or accident hazards when alternative methods are not available.

- (4) Water that reaches or flows onto adjacent property, public rights-of-way or easements, including private easements when caused by vandalism, wind, rain, emergencies, electrical outages, natural disasters or acts of terrorism.
- (5) Flows resulting from a routine inspection or maintenance of the following:
 - (a) The City's water utility system;
 - (b) A private water utility system;
 - (c) An irrigation district; or
 - (d) A Homeowners Association.
- (6) Water used by the City, a private water utility or an irrigation district in installation, maintenance, repair or replacement of public facilities and structures including, but not limited to, traffic control devices, storm and sanitary sewer structures, and road and street improvements.
- (7) Water used by the City, a private utility, or their respective contractors and/or subcontractors for saw cutting of pavement, dust control, compaction or other uses identified under the terms of applicable contracts.
- (8) Storm water runoff~~run-off~~.
- (9) Flows resulting from system failures or malfunctions of the City, a private water utility or an irrigation district's water or wastewater system.
- (10) The uses of water which are necessary to protect public health and safety for essential government services such as police, fire, public works and other similar emergencies.
- (11) Watering of Turf located within a Single Family Residential lot.

(C) Violations.

- (1) It shall be unlawful for any person to intentionally, knowingly, recklessly, or negligently:
 - (a) Operate and maintain any irrigation structure, delivery ditch, waste ditch, or any irrigation structure in which said person has a vested right or interest to accept flood irrigation water, so as to permit or cause the escape or flow of flood irrigation water in such quantity as to cause waste of water;
 - (b) Cause the waste of water such that the overflow or spray:

1. Causes damage to public property or public rights-of-way;
2. Interferes with pedestrian or automobile traffic;
3. Ponds over a cumulative surface area greater than 150 square feet; or
4. Discharges with a depth greater than one-quarter of an inch into a gutter, storm drain, ditch or other drainage conveyance.

(c) Violate the mandatory water use restrictions of a stage 1 (water watch), 2 (water alert) or 3 (water warning curtailment).

(2) It shall be unlawful for any person residential, commercial or industrial facility or operation that is within who receives water services from the City's jurisdiction, ~~or is served flood irrigation waters by an irrigation district,~~ public water system to cause or permit to occur, any waste of water.

(3) It shall be unlawful for any person that owns or rents property that is served flood irrigation waters by an irrigation district, to cause or permit to occur, any waste of water.

(4) It shall be unlawful for any person to take or receive water from the City's public water system without having established an account for water services with the City and without having obtained and installed a water meter if required.

(5) It shall be unlawful for any person to use volumes of water in excess of the maximum water use amount authorized by the City under section 14-2-10.

(D) Enforcement. The City is authorized to make inspections in the normal course of business or when the City has reason to believe that a violation of this section has been or is being committed, or the City may respond to a complaint of a possible violation. A written notice and/or civil citation may be issued for a violation of this ordinance by the Code Compliance Manager, a Code Compliance Officer, the Director of Water Services, the Water Conservation Specialist, City Prosecutor, ~~or~~ the City Attorney, ~~or~~ the City Manager or a peace officer. Service of the written notice or citation may be accomplished and will be deemed proper and complete if a copy thereof is personally served upon the owner, occupant, lessee, agent, or manager of the property; any person of a responsible age present on the property; or is posted in a conspicuous place on or about the property affected by such notice. ~~The authorized issuance official may order, at the discretion of the City Manager or his or her designee, the installation of flow restriction or reduction devices, or discontinuation of water service if the violator has a previous citation.~~

(1) Written Notice. Prior to the issuance of a citation for a violation, a written notice shall be provided. A written notice shall contain at a minimum:

- (a) The date and location of the alleged violation;

(b) A reference to the City Code provision or ordinance violated;

~~(c) Recommendations as to how the waste of water can be abated and the time frame within which the waste of water must be abated. The time provided to cease waste of water may range from a requirement of immediate compliance to 30 days, at the discretion of the authorized enforcement official, depending upon the facts and the circumstances of the case;~~

~~(d) A warning that civil action may be initiated unless the waste of water ceases within the time frame required for corrective action;~~

(c) A time period for taking corrective action to remedy the violation and for obtaining an inspection by the City to confirm the remedy, and a warning that a citation may be issued if the corrective action and re-inspection have not been completed within such time period;

~~(d)(e)~~ The name, address, telephone number and email address of the authorized enforcement official who issued the written notice;

~~(e)(f)~~ Any previous citation against the person or property in question; and

~~(f)(g)~~ The procedure for compliance with the written notice including obtaining a re-inspection by the issuing official.

(g) A warning that the City may, if there has been a previous citation issued for violation of this section, install a water flow restrictor on an interim basis until a final resolution of the violation through a civil or criminal citation process.

(2) The time period for compliance may be extended if the official issuing the written notice determines that the owner, occupant, lessee, agent, or manager of the property or any person of a responsible age present on the property is making reasonable progress towards compliance. All extensions must be in writing. If, upon re-inspection of the site of the violation by the issuing official, the official is satisfied that the activity previously found to be in violation of this section has been abated, the waste of water case will be closed and no further action will be required of the recipient of the written notice.

(3) Civil Citation. After receipt of a written notice, any person who remains in violation of any provision of this section after the time provided ~~to cease waste of water to take corrective action to remedy the violation~~ may also be subject to a civil citation. The civil citation shall be issued and processed in accordance with Article 18-1 of this Code. Upon a legal ruling of responsibility or liability for the violation of a provision of this section or an admission of responsibility or liability for the violation of this section by the person subject to a civil citation, the City may terminate water service or install a water flow restrictor if the person has been previously found to have violated this section either through a legal ruling of responsibility or an admission of responsibility for a violation of this section.

(4) Nothing in the section prohibits the City from issuing criminal citations for violations of any provision in this chapter in accordance with Article 1-8. Upon a finding of guilty of a violation of a provision of this section or an admission of guilt by the person subject to a criminal citation, the City may terminate water service or install a water flow restrictor if the person has been previously found to have violated this section either through a legal ruling of responsibility, an admission of responsibility for a violation of this section, a finding of guilt of a violation of this section, or an admission of guilt of a violation of this section.

Amend Chapter 14 - Water, Section 14-8-1, Sections as Part of Contract, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-8-1 Sections as part of contract.

All sections contained in this chapter shall be considered a part of the contract of every person taking or using water from the City of Goodyear's public water system, and every person taking or using water shall be considered as having expressly consented to be bound thereby. All persons outside the City limits who accept water service from the City shall be deemed to have agreed to be bound by and shall comply with all sections of this chapter.

Amend Chapter 14 - Water, Section 14-10-1, Enforcement, Penalties, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 14-10-1 Enforcement, penalties.

(A) Enforcement Official. Law Enforcement, Code Enforcement, Water Quality Technicians, the Environmental Services Operation Supervisors and the Water Superintendent shall have the authority and responsibility for enforcement and compliance with this chapter.

(B) No oversight or dereliction of duties by any person assigned to enforce the provisions of this chapter shall legalize, allow, or excuse a violation of this chapter.

(C) All violations of this chapter, including violations of large water user agreement provisions per section 14-2-10, are subject to criminal and civil penalties and enforcement provisions, including abatement, collections, and liens, pursuant to Article 1-8 and Article 18-1. Notwithstanding the foregoing, the City shall be entitled to take any action authorized in a large water user agreement for a breach of the agreement without having to resort to criminal or civil penalties, or enforcement provisions.

(D) If a person pleads responsible or is found to be responsible for a civil violation of Section 14-2-1 the court shall impose a civil sanction in accordance with the following guidelines: for a first time offense, the civil sanction shall be in an amount not less than \$500 nor more than \$750; for a second offense, the civil sanction shall be in a sum not less than \$750 nor more than \$1,000, and for a third offense or subsequent offense, the civil sanction shall be in an amount not less

than \$1,000. Any violation of Section 14-2-1 may be dismissed or the fines may be reduced or suspended when proof is filed and accepted by the court which shows that the property owner or tenant has signed up for utility service with the City and paid, or reached an agreement with the City for a payment plan, for the outstanding balance due on the account.

(E) Each day any violation of any provision of this code or any ordinance incorporated herein, or the failure to perform any act or duty required by this code or ordinance incorporated herein, continues shall constitute a separate offense.

(F) The City may obtain an administrative warrant from the Goodyear Municipal Court authorizing the City to enter the property located in the City at reasonable times to inspect the property to ensure compliance with the provisions of this chapter or when there is probable cause to believe a condition, object, activity or circumstance exists on the property that justifies the inspection.

Amend Chapter 18 – Civil Code Enforcement, Section 18-1-4, Authority to Issue Civil Citations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

§ 18-1-4 Authority to issue civil citations.

Any of the following persons may issue a civil citation pursuant to this chapter:

- (A) Any peace officer;
- (B) The City Attorney or any assistant;
- (C) The City Prosecutor or any assistant;
- (D) The Code Compliance Officer;
- (E) The Code Compliance Manager;
- (F) Any other person designated by the City Manager in writing filed with the City Clerk.
- (G) Any other person authorized by the Goodyear City Council