

ADOPTED BY THE  
MAYOR AND COUNCIL

July 9, 2013

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ORDINANCE NO. 11089

RELATING TO BUILDINGS, ELECTRICITY, PLUMBING AND MECHANICAL CODE; "RESIDENTIAL GRAY WATER ORDINANCE" REQUIRING INSTALLATION OF GRAY WATER "STUB-OUTS" IN RESIDENTIAL CONSTRUCTION; REQUIRING THAT GRAY WATER SYSTEMS COMPLY WITH APPLICABLE REGULATIONS; AMENDING TUCSON CODE CHAPTER 6, ARTICLE III, DIVISION I, BY AMENDING SECTION 6-38, SECTION 2601.2.1 "GRAY WATER PIPING"; AND ADDING TABLE 2601.2, MINIMUM GRAY WATER FIXTURE REQUIREMENTS, AS A LOCAL AMENDMENT TO THE INTERNATIONAL RESIDENTIAL CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the State of Arizona's Department of Environmental Quality instituted a general permit for homeowners whose gray water systems meet Best Management Practices; and

WHEREAS, gray water systems constructed and operated according to these Best Management Practices provide a safe method of reducing water demand; and

WHEREAS, gray water is a valuable resource as it makes "double use" of water that otherwise goes down the drain. Gray water systems divert some interior water from clothes washers, bathtubs, showers or bathroom sinks (but not from a kitchen sink, dishwasher or toilet) for use in outdoor irrigation; and

WHEREAS, the City of Tucson, by Ordinance No. 10579, on September 23, 2008, adopted a Residential Gray Water Ordinance; and

WHEREAS, at the direction of Mayor and Council, the Tucson-Pima County Joint Consolidated Code Committee has reviewed and secured public comment on

subsequent local amendments to the International Residential Code deleting the requirement for gray water piping; and

WHEREAS, the proposed amendment of the 2012 International Residential Code, as recommended by a citizens stakeholder group and reviewed by the Tucson-Pima County Joint Consolidated Code Committee will provide for less costly compliance and a less complex code and encourage use of residential gray water systems.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, Article III, Buildings, Section 6-38, *Residential code adopted*, is hereby amended by amending section 2601.2.1, and adding Table 2601.2, Minimum Gray Water Fixture Requirements, as set forth in Exhibit A to this Ordinance incorporated here as if fully set forth herein.

SECTION 2. The Director of Planning and Development Services is authorized to adopt appropriate rules, regulations and Development Standards necessary to implement the provisions of this Ordinance.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 4. The provisions of this Ordinance may be modified or waived when it can be satisfactorily demonstrated to the Building Official that compliance with these regulations is impractical due to construction or other physical constraints and an acceptable alternative method of compliance that allows gray water usage is proposed.

SECTION 5. Any person violating any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and subject to punishment as set forth in this

section. A.R.S. § 9-803 requires the penalties for a violation of any of code adopted by reference to be set forth in the adopting Ordinance and those penalties shall be as set forth in Tucson Code Section 8-6.1 for civil infractions which are restated here.

(a) Unless otherwise provided in this Code, when a civil violation or civil infraction is determined, the following penalties shall be imposed:

(1) A person found responsible for a civil infraction for the first time shall be fined not less than one hundred dollars (\$100.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction. A person found responsible for the same civil infraction for a second time shall be fined not less than two hundred dollars (\$200.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction. A person found responsible for the same civil infraction for a third or subsequent time shall be fined not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) per civil infraction. The imposition of a fine for civil infractions shall not be suspended.

(2) The magistrate, special magistrate or limited special magistrate shall, after a finding of responsibility, order abatement of the civil infraction. An abatement order shall be effective for one (1) year unless stayed on appeal. If stayed on appeal the order shall be effective for one (1) year from the end of the appeal if the finding of responsible and sentence is upheld.

(3) The magistrate, special magistrate or limited special magistrate shall warn a violator that additional fines will be imposed for failure to abate a violation and criminal charges may be brought by the city attorney for failure to obey an order to abate a violation.

(b) Failure of a defendant to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than one hundred dollars (\$100.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day the defendant fails to comply. A defendant's second failure to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than two hundred dollars (\$200.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the first determination of the defendant's failure to comply; a defendant's third and subsequent failures to comply with any order contained in a judgment for a civil infraction shall result in an additional fine of not less than three hundred dollars (\$300.00) nor more than twenty-five hundred dollars (\$2,500.00) for each day after the second or subsequent determination of the defendant's failure to comply; provided, however, that the total fines imposed by this

subsection and subsection (a) shall not exceed twenty-five hundred dollars (\$2,500.00) per civil infraction.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance, and to this end the provisions of this Ordinance are severable.

SECTION 7. WHEREAS it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Ordinance become immediately effective, an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, July 9, 2013.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

  
\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY MANAGER

TM/tl  
6/11/13

*Time*