

**NOTES:**

**1. The Ordinance below was adopted by City of Tucson Mayor and Council on October 14, 2008.**

**2. The Ordinance implementation date is June 1, 2010**

**3. To see the Ordinance in its context within the Tucson Code, go to <http://www.municode.com/Resources/gateway.asp?pid=11294&sid=3> and go down to Article 8**

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**CITY OF TUCSON CODE**

**ARTICLE VIII. RAINWATER COLLECTION AND DISTRIBUTION REQUIREMENTS**

**Sec. 6-181. Definitions.**

As used in this article, the following terms are defined as follows:

*Commercial development* means any new non-residential development that is intended to be used primarily for commercial activities, and is subject to the requirements of the International Building Code.

*Rainwater* means water that has fallen as rain and contains little dissolved mineral matter, or any other form of precipitation.

(Ord. No. 10597, § 1, 10-14-08)

**Sec. 6-182. Rainwater harvesting plan.**

A. All commercial development and site plans submitted after June 1, 2010, shall include a rainwater harvesting plan. The rainwater harvesting plan shall include a landscape water budget and an implementation plan.

1. The landscape water budget shall calculate the estimated volume of water required yearly for all site landscaping detailed in the development and/or landscape plan.

2. The implementation plan shall show how any combination of capture, conveyance, storage, and distribution will be utilized on-site to harvest rainwater. Implementation plans shall comply with applicable development standards for water harvesting applications.

3. The implementation plan shall also provide for water metering of all on-site landscape water through either:

- (a) A separate water meter connected to the main water supply; or,
- (b) An irrigation sub-meter.

B. The rainwater harvesting plan shall be submitted concurrently with the site plan and landscape plan.

C. The director of the development services department may authorize alternative compliance with development standards when conditions of topography, site soils or ratio of landscape area to total site area would make strict adherence to standard provisions unreasonable and the alternative compliance advances the spirit of this article.

(Ord. No. 10597, § 1, 10-14-08)

**Sec. 6-183. Construction of rainwater harvesting system; minimum landscape budget requirements; request for rainwater harvesting plan revision.**

A. All new commercial development built pursuant to a development plan submitted after June 1, 2010, shall include a rainwater harvesting system constructed according to an approved rainwater harvesting plan.

B. No later than three (3) years from the date of issuance of a final certificate of occupancy, and for every year thereafter, fifty (50) percent of the estimated yearly landscape water budget shall be provided by rainwater harvested on-site by a rainwater harvesting system constructed pursuant to an approved rainwater harvesting plan. The fifty (50) percent landscape budget provision shall not apply in any calendar year in which the annual precipitation has fallen below the amount determined in the applicable development standards.

C. Within three (3) years from the date of issuance of a final certificate of occupancy, the applicant, or a successor in interest, may request to revise the rainwater harvesting plan. The request shall be submitted to the director of development services. The request shall be granted only if one of the following is true:

1. A mathematical or engineering error was made in the calculation of water required for on-site landscaping.
2. A variance related to landscape requirements, and which impacts the landscape water budget, is obtained subsequent to the approval of a submitted rainwater harvesting plan.
3. Additional data on site conditions or performance relevant to the subject site has been obtained, and results indicated a needed change in water budget calculations in the rainwater harvesting plan.

(Ord. No. 10597, § 1, 10-14-08)

**Sec. 6-184. Restrictions on installation of rainwater harvesting system invalid.**

A. Any covenant, restriction or condition contained in any deed, contract, security agreement or other instrument affecting the transfer or sale of, or any interest in, real property which effectively prohibits the installation or use of a rainwater harvesting system is void and unenforceable.

B. A deed, contract, security agreement or other instrument affecting the transfer or sale of, or any interest in, real property entered into before June 1, 2010, shall not be subject to the provisions of this section.

(Ord. No. 10597, § 1, 10-14-08)

**Sec. 6-185. Exceptions.**

A. That portion of a development which includes the following land uses shall be excepted from the fifty (50) percent rainwater harvesting requirements:

1. Public parks and botanical gardens;
2. Outdoor recreation facilities, whether under public or private ownership, for public use, schools, and day care centers;
3. The playing areas of golf courses;
4. Cemeteries;
5. Natural open space;
6. Crop production.

(Ord. No. 10597, § 1, 10-14-08)

**Sec. 6-186. Annual report.**

A. A rainwater harvesting landscape water-use budget report shall be submitted annually by the owner or owner's agent to Tucson Water. The report shall include location and ownership information for the property, monthly rainfall totals collected from an on-site gauge or the SAHRA rain gauge closest to the site, monthly site water use data, and monthly relevant sub-meter or service meter data.

(Ord. No. 10597, § 1, 10-14-08)

**Sec. 6-187. Violation.**

A. Failure to meet the fifty (50) percent rainwater harvesting requirement for landscape irrigation shall constitute water wastage, and notwithstanding any other provision of this section shall constitute a violation of section 27-15 of this Code.

B. The director of development services or the Director of Tucson Water may require that any development not meeting the landscape budget requirements conduct and submit a landscape irrigation audit and report the results with the audit and reporting performed by a third party auditor and paid for by the property owner.

C. The imposition of civil liability shall not preclude the city from taking any other enforcement actions permitted under the code.

(Ord. No. 10597, § 1, 10-14-08)

**Sec. 6-188. Applicability.**

The provisions of this article shall apply to construction built pursuant to permits issued after June 1, 2010.

(Ord. No. 10597, § 1, 10-14-08)

Secs. 6-189, 6-190. Reserved.