

## CHAPTER 25 – WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 25-73. Water; Non-potable Water Use; customers, service agreements.

(a) Non-potable water service shall only be provided to customers through non-potable water use service agreements or annual orders for delivery as provided by the Utilities Director. The Utilities Director is authorized to execute such agreements on behalf of the City under the supervision of the City Attorney and approved as to form as required by the City Charter.

Since contractual rights for/to the use of non-potable water may result in added value to a customer's property, agreements/contracts shall recognize that possibility and require a waiver by the customer of any such added value in the event of purchase or condemnation of the property by the City through negotiation. This requirement shall be an implied term of all non-potable water use service agreements or similar agreements between the City and a customer.

(b) Non-potable water use shall be controlled as follows:

(1) The use of all non-potable water derived from water developed by the City, including but not limited to the City's allocation of groundwater, Salt River Project and Central Arizona Project water, shall be directly controlled by the City.

(2) To be eligible to use non-potable water, a customer shall be in compliance with Section 25-69 of this Code.

(3) The use of all non-potable water derived from water developed by entities other than the City, but served to customers within the corporate boundaries of the City, shall be directly controlled by the City.

(c) It shall be unlawful to receive or use non-potable water in any area within the City limits other than by a Non-Potable Water Use Service Agreement or annual delivery agreement with the City.

(d) When private development requires non-potable water service in advance of the City's construction schedule, such customers/developers shall work with the Utilities Department to formulate a plan of service to be implemented at the sole expense of the customer/developer with facilities to be dedicated to City upon completion. Nothing herein will be construed to require the City to enter into such an agreement.

(e) The Non-Potable Water Use Service Agreement shall be in accordance with applicable City master plans and the City's water policy. Additionally, the Non-Potable Water Use Service Agreement recognizes that the use of non-potable water may reduce the amount of potable water or surface water that the City would have otherwise provided.

(f) Capital costs are those costs associated with providing distribution mains from a non-potable well to the point of delivery, up to, but not including, the connection. The Utilities

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Director may designate areas as not being appropriate for capital cost recovery taking into account the benefit of promoting non-potable water use and the benefit to the City from not receiving full capital cost recovery.

(g) No customer will be allowed to connect property to the non-potable water system unless such customer has made payment in full for the share of the capital costs. Alternatively, the customer may enter into an assessment agreement and provide for a lien to be secured against and recorded upon such property. Additionally, the customer may provide such other financial security to cover such capital costs acceptable to the Chief Financial Officer and City Attorney.

(h) The City Council's adopted rate schedule for non-potable water shall dictate the cost of non-potable water. Such schedule may be amended from time to time, as needed. (Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-73; Enacted new Sec. 25-73) SUPP 2008-