

**ORDINANCE NO. 2022-1787**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, AMENDING TITLE II, CHAPTER 2-1, SECTION 8, SUBSECTIONS (B) & (C); AND ADDING A SEVERANCE PROVISION.**

**RECITALS:**

**WHEREAS**, the City of Prescott wishes to adopt certain amendments to its Utilities Division Code that will address return of potable water to the sanitary sewer system and municipal potable water being provided outside the City of Prescott jurisdictional limits; and,

**WHEREAS**, the proposed amendments are in the best interests of the health, safety and welfare of the citizens of Prescott.

**ENACTMENTS:**

Be it ordained by the Council of the City of Prescott as follows:

SECTION 1. THAT TITLE II, CHAPTER 2-1, SECTION 8, SUBSECTION (B) is deleted in its entirety and replaced with the following new subsection (B):

(B) Return of Water: Potable water will not be provided to any project that will not return to the City's sanitary sewer system at least seventy-five percent (75%) of the water served.

SECTION 2. THAT TITLE II, CHAPTER 2-1, SECTION 8, SUBSECTION (C) is deleted in its entirety and replaced with the following new subsection (C):

(C) Water Outside the City Limits:

1. New water connections may only be made outside of the City limits as follows:

a. ~~only pursuant to an intergovernmental agreement pursuant to A.R.S. 11-951 et. Seq. with the federal government or any federal department or agency, Indian tribes, the State of Arizona, any other state, all departments, agencies, boards and commissions of this state or any other state, counties, school districts, fire districts, cities, or towns, and municipal corporation.~~ ~~but no~~ The City will not enter any intergovernmental agreement for water service outside City limits shall be entered with water improvement districts or other specially created districts; or,

a.b. One single family residential dwelling unit on a single parcel of land that connects to a City water main and a City sewer main. All wells on the parcel requesting City water and sewer services shall be abandoned through Arizona Department of Water Resources. Additionally, if a well was in existence prior to August 21, 1998, the owner will transfer a groundwater allowance to the City of Prescott.

2. Applicants for service outside the City of Prescott jurisdictional limits are responsible for the extension of all utility infrastructure necessary to serve their property, unless exempt by prior agreement with the City of Prescott.

SECTION 3. SEVERANCE CLAUSE: The provisions of this Ordinance and the Code and Code Amendments it incorporates are hereby declared to be severable; and, if any section, sentence, clause or phrase of this Ordinance, or any Code and Code Amendments that it incorporates shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance and the Code and Code Amendments it incorporates, but shall remain in effect, it being the legislative intent that this Ordinance and the Code and Code Amendments it incorporates shall stand, notwithstanding the invalidity of any part thereof.

PASSED and ADOPTED by the Mayor and Council of the City of Prescott, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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PHILIP R. GOODE, Mayor

ATTEST:

APPROVED AS TO FORM:

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SARAH M. SIEP  
City Clerk

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MATTHEW PODRACKY  
Interim City Attorney

