

ADOPTED BY THE  
MAYOR AND COUNCIL

August 19, 2025

ORDINANCE NO. 12188

RELATING TO TUCSON WATER; AUTHORIZING AND ADDING NEW PROVISIONS TO THE TUCSON CODE, SPECIFICALLY CHAPTER 27, WATER, ARTICLE I, GENERAL, SECTION 27-20 AND 27-21, LARGE QUANTITY WATER USERS AND ADDITIONAL REMEDIES; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

WHEREAS, on June 17, 2025 the Mayor and Council held a “Discussion on Water Conservation Requirements for Large Quantity Water Users” as Item 6 of that meeting’s Study Session, and directed staff to return with options in the Fall of 2025; and

WHEREAS, on August 6, 2025 the Mayor and Council unanimously directed staff to place a “Large Quantity Water User Ordinance” for consideration during Regular Session at the meeting of August 19, 2025;

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

SECTION 1. Mayor and Council authorize adoption of a large quantity water user program for new connections to the Tucson Water service area effective on and after August 19, 2025.

SECTION 2. These amendments will take effect on August 19, 2025.

SECTION 3. The Tucson Code, Chapter 27, Water, Section 27-20 is amended to add the following new sections:

**Section 27-20. Large Quantity Water Users.**

A. A large quantity water user may not connect to the City public water system or use City water except as provided by this Section.

B. *Application to become a large quantity water user.*

1. An applicant must submit to the Director a sustainable water service application, which must include a water conservation plan, if any of the following apply:

a. An applicant will be a new customer, and the applicant's projection of the applicant's water use, as reviewed by the Director, equals or exceeds 10,000 centum cubic feet ("ccf" or 748 gallons) per month average annual use.

b. An applicant is an existing customer and requests water-meter upsizing that will allow for water use that equals or exceeds 10,000 ccf per month average annual use at a premises or location.

c. An applicant is an existing customer whose water use equals or exceeds 10,000 ccf per month average annual use and requests water-meter upsizing.

2. For undeveloped property, a sustainable water service application must be submitted at the time the applicant submits for any development entitlements. An applicant who will become or is a large quantity water user on previously developed property must submit a sustainable water service application at the time the applicant requests water-meter upsizing.

3. The sustainable water service application must identify the phasing of construction or development, the approximate number and size of the structures to be served, a reasonable description of the nature and type of water use proposed on the property, and a reasonable estimate of the projected annual, monthly, and daily water demand.

4. The water conservation plan must include techniques and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or establish use of reclaimed water by the large quantity water user.

5. If the location is within one mile of the Tucson Water Reclaimed Water Distribution System, the water conservation plan shall include information about the cost of a connection to the Reclaimed Water Distribution System and about the suitability of reclaimed water for

use at the facility.

6. The water service application and water conservation plan are public records, subject to disclosure under the Arizona Public Records Law, A.R.S. Section 39-121, *et seq.*

*C. City review of sustainable water service applications and water conservation plans.*

1. The Director will review properly completed sustainable water service applications and water conservation plans. The Director may require additional information to be submitted as the Director deems necessary, and the applicant must submit any additional information requested within 60 days of receiving the request.

2. The Director will schedule the water service application and water conservation plan for consideration by the City of Tucson Mayor and Council as a numbered item on a Mayor and Council regular session within two months after reviewing the following elements of the water service application and water conservation plan and determining that these elements have been completely and correctly addressed by the applicant:

a. That the sustainable water service application and water conservation plan demonstrate that the large quantity water user will undertake to use water as efficiently as is practicable and to ensure that water is not wasted. In determining whether water will be used as efficiently as is practicable, the Director will consider if the applicant's facility is existing and the practicability of retrofitting the existing facility with water conserving technologies and practices.

b. That the proposed water use is consistent with the City's available water resources.

c. That the applicant's water use would be of sufficient economic benefit to warrant the large quantity use of water.

d. That the applicant has agreed to use reclaimed water to offset at least 30 percent of its water use or such other percentage as the Director determines is the maximum use of reclaimed water that is warranted for the applicant's facility, given the facility's proximity to the

reclaimed water system.

e. That the proposed water use will support a key industry consistent with the City's economic development and education strategic plan.

f. That the impact of the water use is consistent with the City's designation of assured water supply under A.R.S. Section 45-476.

g. That the applicant has proposed extraordinary conservation techniques and technologies in the water conservation plan.

h. Whether the applicant will convey or assign to the City all legal rights to a physical water supply that will fully offset the applicant's projected water use, which water supply, when assigned to the City, will meet all requirements of A.R.S. Section 45-476, and the regulations adopted by the Arizona Department of Water Resources (DWR) to implement that section.

i. The applicant's technical, financial, and managerial competence to implement the elements of an application and conservation plan.

j. Any other information the Director deems relevant.

D. Mayor and Council Approval of Water Service Application and Water Conservation Plans.

1. The Mayor and Council shall consider whether a Water Service Application and Water Conservation Plan meet the criteria established above in subsection 27-20(C)(2). The Mayor and Council may approve, deny, or return a Water Service Application and Water Conservation Plan for submission of additional information to the Director. A Mayor and Council-approved Water Service Application and Water Conservation Plan will be signed and executed by the applicant and the City and will be a binding water service contract.

E. A large quantity water user who becomes a customer of the City is subject to all terms and conditions of service as specified by this Section. As a term and condition of continued water service for a large quantity water user, both of the following must occur:

1. A large quantity water user must submit an updated water conservation plan to the Director every five years.

2. The Director determines, in the Director's sole and absolute discretion, that the updated water conservation plan demonstrates that the large quantity water user will use water as efficiently as is practicable and ensure that water is not wasted.

*F. Terms and conditions of service for large quantity water users.*

1. In addition to the other terms and conditions of water service as specified by this chapter, the following are terms and conditions of service of a large quantity water user:

a. The large quantity water user may not in any year use water in excess of 120 percent of the amount set out in the applicant's water service application and water conservation plan, as approved and adopted by the Mayor and Council.

b. The large quantity water user must implement, operate, and maintain all use of reclaimed water, techniques, and technologies consistent with the large quantity water user's most recently approved water conservation plan.

2. In addition to any other sanction available under this chapter, the Director may suspend water service to a large quantity water user who violates this subsection. The Director will provide notice of any discontinuation of water service, which may be reviewed under Section 27-50 of the Tucson City Code. If water service is suspended under this subsection, the water service will not be restored until the large quantity water user has come into compliance with the requirements of this subsection.

**Sec. 27-21 .Additional remedies.**

A. A large quantity water user who violates any provision of Section 27-20, in addition to any other sanction authorized by this chapter, is subject to a civil sanction of not more than the following amounts:

1. Two hundred percent (200%) of the monthly charges for water used, or estimated to

have been used, in violation of Section 27-20, if the violation is the large quantity water user's first violation and the violation continued for less than one year.

2. Five hundred percent (500%) of the monthly charges for water used, or estimated to have been used, in violation of Section 27-20, if the violation is the large quantity water user's second violation or if the violation continued for more than one year but less than two years.

3. One thousand percent (1000%) of the monthly charges for water used, or estimated to have been used, in violation of Section 27-20, if the violation is the large quantity water user's third violation or if the violation continued for more than two years but less than three years.

4. Two thousand percent (2000%) of the monthly charges for water used, or estimated to have been used, in violation of Section 27-20, if the violation is the large quantity water user's fourth or more violation or if the violation continued for more than three years.

5. After any violation of Section 27-20 above that is a user's second or greater violation, Tucson Water may install, at the user's expense, a water restricting device to restrict flow rates to those parameters established in the approved water user agreement and water conservation plan. The applicant will pay for Tucson Water's cost to install the device, whether by Tucson Water staff or through a City of Tucson Job On-Call ("JOC") Contractor.

B. If, as a result of a large quantity water user's violation of Section 27-20 or State law, the City is assessed a civil penalty or is ordered to take remedial action by DWR, the large quantity water user must pay to the City the amount of the civil penalty, along with all costs and expenses incurred by the City due to the large water user's violation.

SECTION 4. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 5. If any provisions of this Ordinance, or the application thereof to any

person or circumstance is declared invalid for any reason by the valid judgment or decree of any court of competent jurisdiction, 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 6. .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 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, August 19, 2025.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

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

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CITY MANAGER

CA/dg  
8/13/25