



# TOWN OF JEROME, ARIZONA

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Founded 1876  
Incorporated 1899

NOTICE IS HEREBY GIVEN that the following ordinance was finally adopted on May 11, 2010 by the Town of Jerome, Yavapai County, Arizona:

## ORDINANCE NO. 372

### AN ORDINANCE OF THE TOWN OF JEROME, ARIZONA, AMENDING THE JEROME TOWN CODE TO ADD NEW CHAPTER 16, "VINEYARDS."

**WHEREAS**, at the request of the Mayor and Council of the Town of Jerome, a Stakeholders Committee was formed to make recommendations to the Mayor and Council regarding vineyards; and

**WHEREAS**, the Committee has concluded its work and has recommended the addition of a new Chapter to the Town Code, as set forth on Schedule "A," attached; and

**WHEREAS**, it is the desire of the Mayor and Council to amend the Town Code accordingly;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Jerome, Yavapai County, Arizona, as follows:

**Section 1.** The Jerome Town Code is hereby amended by the addition of NEW Chapter 16, "Vineyards," to read as set forth on Schedule A, attached.

**Section 2.** Following its adoption, this ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. 39-203 *et seq.*

**Section 2.** All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

**Section 3.** Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Town Code as a whole or any part thereof other than the part so declared invalid.

**Section 4.** This Ordinance shall take effect 30 days after final adoption, as provided by law.

### SCHEDULE "A"

#### CHAPTER 16 - VINEYARDS

**ARTICLE 16-1**                      **Definitions.**

**ARTICLE 16-2**                      **Parcels; Irrigated Areas Not to Exceed One-Half Acre.**

- ARTICLE 16-3 Water Meters; Application for Water Service; Hookup Fees.**
- ARTICLE 16-4 Water Restrictions; Irrigation.**
- ARTICLE 16-5 Conditional Use Permit Required.**
- ARTICLE 16-6 Organic Methods Encouraged; Right of Town to place restrictions.**
- ARTICLE 16-7 Vineyards Located Outside of Town Limits.**

**ARTICLE 16-1. Definitions.**

Section 16-1-1. Definitions.

For the purposes of this Chapter, the following definitions shall apply:

“Vineyard” is an area of land planted with cultivated grapevines.

“Viniculture” is the science, production and study of grapes which deals with the series of events that occur in a vineyard, which vineyard produces grapes specifically for winemaking, whether for commercial, non-commercial or domestic use. The term “viniculture” shall not apply to plantings of twenty (20) vines or less.

“Parcel” any area of land with twenty (20) or more grapevines up to one-half acre.

“Irrigation” or “Irrigate”- the artificial application of water, whether delivered by the Town or other sources, to the soil for assisting in growing crops.

**ARTICLE 16-2. Parcels; Irrigated Areas Not to Exceed One-Half Acre.**

Section 16-2-1. Irrigated areas not to exceed one-half acre.

- a. The irrigated area in any parcel of viniculture shall not exceed one-half (1/2) acre.

Section 16-2-2. Adjoining parcels not to be combined.

- a. Adjoining parcels including up to one-half (1/2) acre of irrigated area shall be considered separate parcels for the purposes of this Article.

**ARTICLE 16-3. Water Meters; Application for Water Service; Hookup Fees.**

Section 16-3-1. Water Meters; Application for Water Service; Hookup Fees.

- a. A separate water meter shall be required for each parcel of viniculture, and each shall require an application for water service and payment of applicable water hookup fees, in accordance with the provisions of Chapter 13, “Water,” of the Jerome Town Code.

**ARTICLE 16-4. Water Restrictions; Irrigation.**

Section 16-4-1. Water Usage.

- a. Water usage for each parcel of viniculture shall be subject to town water restrictions.

- b. If water availability decreases for any reason, including but not limited to drought, climate conditions or system failure, restrictions may be placed on water use according to the Town’s Demand Reduction Strategies or any emergency measures in place or enacted at any future time.
- c. The Town of Jerome shall not be held responsible for any loss of revenue or crop failures experienced as a result of water restrictions placed by the town.

Section 16-4-2. Irrigation.

- a. Flood irrigation will not be permitted.
- b. A plan for a drip irrigation system must be submitted as provided in Section 16-5-2 below.

**ARTICLE 16-5. Conditional Use Permit Required.**

Section 16-5-1. Conditional Use Permit Required.

- a. Viniculture activities shall require a Conditional Use Permit in accordance with the requirements of the Jerome Zoning Ordinance.

Section 16-5-2. Additional Requirements for Conditional Use Permits for Viniculture.

- a. In addition to requirements set forth in Section 302, "Conditional Use Permits," of the Jerome Zoning Ordinance, applicants for Conditional Use Permits for viniculture activities shall be required to:
  - i. Provide estimated peak monthly water usage for each parcel of viniculture.
  - ii. Demonstrate that fifty percent (50%) of the proposed peak monthly water use can be provided through methods other than metered distribution, such as catchment, cistern, hauling, greywater or overflow.
  - iii. Provide a plan for drip irrigation in conjunction with the site plan.
  - iv. Provide a written release holding the Town of Jerome harmless for any loss of revenue, crop failures, or additional expenses experienced as a result of restrictions and regulations imposed by the town for purposes of controlling water supply, soil erosion, vista protection, slope restrictions, water drainage, planning and zoning, and restoration of natural vegetation upon termination of conditional use permit.
  - v. Provide a fully-executed agreement to waive rights and remedies under Arizona Revised Statutes §12-1134 (Prop 207).

**ARTICLE 16-6. Organic Methods Encouraged; Right of Town to Place Restrictions on Herbicides, Fertilizers, and Methods.**

Section 16-6-1. Organic methods encouraged; Right of Town to Place Restrictions on Herbicides, Fertilizers, and Methods.

- a. Viniculture operations are strongly encouraged to utilize organic methods and minimize the use of chemicals. The Town reserves the right to place restrictions in this regard in accordance with regulations or recommendations which may be promulgated by the Town, County, State or Federal government.

**ARTICLE 16-7. Vineyards Located Outside of Town Limits.**

Section 16-7-1. Provision of water; Restrictions.

- a. Town water shall not be provided for irrigation, agriculture or viniculture located outside of town limits, except as provided herein.
- b. Vineyards located outside of town limits which are in existence and which purchase water from the Town of Jerome as of the adopted date of this Ordinance will be entitled to continue to purchase town water at rates established from time to time by the governing body, subject to the provisions of Sections 16-3 and 16-4 above.
- c. Vineyards located outside of town limits which are in existence and which purchase water from the Town of Jerome as of the adopted date of this Ordinance will be required to submit documentation to the Town regarding the size of the area of their plantings and the number of vines planted. This information will be subject to verification by the Town of Jerome.
- d. Any expansion of an existing vineyard outside of town limits shall be considered a new vineyard for the purposes of this Article, and will not be eligible to purchase water from the Town of Jerome.

Section 16-7-2. Applicability of Jerome Town Code.

- a. Vineyards located outside of town limits which receive water from the Town of Jerome shall be subject to all of the provisions of Chapter 13, "Water," of the Jerome Town Code.