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SANTA FE COUNTY
Ordinance no. 2002-13

2295992

**AN ORDINANCE ADDRESSING WATER CONSERVATION FOR ALL
RESIDENTIAL AND COMMERCIAL USES OF WATER WITHIN SANTA FE
COUNTY**

Introduction

This ordinance addresses water conservation within Santa Fe County and prohibits specific water-wasting actions. A schedule for fines and a listing of those County personnel authorized to issue the fines is included. This Ordinance applies to all residential and commercial water users within Santa Fe County. **Any water use on land that is designated by the County Assessor as farmland or ranchland is exempt from this ordinance.**

Whenever there is a conflict between the provisions of this ordinance and the requirements of the Office of the State Engineer or the Public Regulatory Commission, the requirements of those entities shall take precedence over the provisions of this ordinance.

**A. THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
HEREBY FINDS:**

- 1. Water resources in Santa Fe County whether ground water or surface water are limited.
- 2. Numerous droughts in our state have demonstrated that the County's water resources are extremely vulnerable to depletion by drought.
- 3. At all times of the year and in all areas of the County, it is critical to conserve our water resources.

**B. THE SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS
THEREFORE CONCLUDES AND DECLARES:**

- 1. In order to provide a sustainable resource for our children and grandchildren so that they can to live in our community, fire protection for all County residents and sufficient water so that traditional agricultural uses of water can be maintained, it is imperative that we conserve our water resources.
- 2. These concerns are directly linked to the public, health, safety and welfare.
- 3. Water waste by anyone at anytime in Santa Fe County is damaging to the public health, safety and welfare.

1
2 **C. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
3 **COMMISSIONERS OF SANTA FE COUNTY:**

4 **The following water conservation requirements apply to all residents of**
5 **Santa Fe County and all businesses operating within Santa Fe County at all**
6 **times of the year.**
7

8 **Outdoor Conservation**
9

- 10 1. Outdoor irrigation is prohibited between 11 AM to 7 PM from May through
11 September of each year. The following sources and water and types of irrigation
12 methods are exempt from the irrigation hour restrictions:
13
14 A) Plants being irrigated for retail or wholesale sale,
15 B) All manual watering by landscape maintenance and contracting personnel,
16 however landscaping personnel setting timed irrigation systems must ensure that
17 the systems comply with the irrigation hour restrictions,
18 C) Any water derived through rainwater catchment systems or any permitted water
19 re-use system, and
20 D) Any water being used from an acequia or other agricultural irrigation system.
21 2. Vehicle washing is only allowed with the use of a shut-off hose nozzle.
22 3. An outdoor irrigation system may not be operated while a leak from it exists.
23 4. Planting sod or grass seed that contains Kentucky bluegrass is not permitted
24 5. All swimming pools, hot tubs and spas must be covered to prevent evaporation when
25 not in use. Swimming pools may only be emptied once per year.
26 6. Water system leaks from private water lines shall be repaired by the owner or
27 property manager within fifteen (15) days of initial notification by the County or the
28 owner's knowledge of the leak. Proof of repair shall be provided to the County upon
29 completion of the repair when such notification is requested.
30

31 **Indoor Conservation**
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- 33 1. Water system leaks from private water lines shall be repaired by the owner or
34 property manager within fifteen (15) days of initial notification by the County or the
35 owner's knowledge of the leak. Proof of repair shall be provided to the County upon
36 completion of the repair when such notification is requested.
37 2. For all new and remodeling construction and all replacements of existing plumbing
38 fixtures, the water conservation plumbing standards set out below shall be met. In
39 addition, with the exception of item (D), all existing water users shall retrofit their
40 facilities such that the plumbing fixtures noted below are in place by January 1, 2005.
41 **Single and multi-family residential water users are exempt from this retrofit**
42 **requirement.**
43
44 A) Water closets, either flush tank, flushometer tank or flushometer valve operated
45 shall have an average consumption of not more than 1.6 gallons (6.1 liters) per

- 1 flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6
2 gallons shall not be used to satisfy this requirement.
- 3 B) Urinals shall have an average water consumption of not more than 1.0 gallon of
4 water per flush, with the exception that, if approved by Santa Fe County, blowout
5 urinals may be installed for public use in stadiums, race courses, fairgrounds and
6 other structures used for outdoor assembly and similar uses.
- 7 C) Lavatory and kitchen faucets shall be equipped with aerators and shall be
8 designed and manufactured so that they will not exceed a water flow rate of 2.5
9 gallons (9.5 liters) per minute.
- 10 D) Self-closing, metering or self-closing faucets shall be installed on lavatories
11 intended to serve the transient public, such as those in, but not limited to, service
12 stations, train stations, airports, restaurants and convention halls. These faucets
13 shall deliver no more than .25 gallons of water (1.0 liters) of water per use.
- 14 E) Shower heads shall be designed and manufactured so that they will not exceed a
15 water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety
16 showers are exempted from this provision.
- 17 F) Water-conserving fixtures shall be installed in strict accordance with the
18 manufacturer's instructions to maintain their rated performance.
- 19 G) For all new and re-modeling construction, all of the requirements regarding water
20 conserving devices shall be certified by a certificate of compliance by a licensed
21 mechanical contractor or plumbing permittee before or at the time of the final
22 plumbing inspection.
- 23 H) All outdoor timed irrigation systems must be equipped with a rain sensor so that
24 the irrigation system does not operate when it is raining or has recently rained.
- 25 I) Exceptions to the above requirements may be permitted when necessary to
26 maintain adequate health and safety standards.
- 27
- 28 3. All private and public eating establishments shall provide water and other beverages
29 only upon request. This policy shall be clearly communicated to the customer in at
30 least one of the following manners: on the menu, by use of a "table tent" or single
31 signage on the table, or posting in a location clearly visible to all customers. All
32 catering and banquet operations shall comply with the provisions of this subsection.
33 The intent of this requirement is not to discourage the drinking of water but to
34 discourage the washing of additional unnecessary glasses.
- 35 4. Lodging facilities shall not provide daily linen and towel changing for guests staying
36 multiple nights unless the guest specifically requests each day that linens and towels
37 be changed.
- 38

39 **Conservation Signage and Literature Distribution**

40

- 41 1. Public, semi-public and governmental restrooms and shower facilities shall post not
42 less than one (1) water conservation sign in each restroom and shower facility, the
43 size of which shall not be less than eight and one-half inches (8.5) by eleven (11)
44 inches. Such entities may use a sign provided by Santa Fe County or develop their
45 own sign using text provided by Santa Fe County.

- 1 2. Hotels, motels and other lodgings shall provide a water conservation informational
2 card or brochure in a visible location in each guest room. Such literature may be
3 provided by Santa Fe County or the establishment itself using text provided by Santa
4 Fe County.
- 5 3. Retail plant nurseries shall provide their "end-use" customers with County provided
6 low water-use landscape literature and water efficient irrigation guidelines at the time
7 of sale of any perennial plant. An "end-use customer" is the person or persons who
8 will ultimately own the plant material. A landscape contractor or architect is not an
9 end-use customer. In order to facilitate the purchasing of low water-use plants,
10 nurseries are strongly encouraged to tag or sign their plants that require little or not
11 supplemental water once established. For the sale of all turf or grass seed or sod, the
12 customer shall be given County provided literature indicating the restrictions to
13 planting water consumptive turf.
- 14 4. Landscape contractors, maintenance companies and architects shall provide their
15 prospective clients with County-provided low water-use literature and water efficient
16 irrigation guidelines at the time of presenting a service contract to the prospective
17 client. Landscape professionals are strongly encouraged to educate their customers
18 regarding the operation of their timed irrigation systems.
- 19 5. Title companies and others closing real estate transactions shall provide the entity
20 purchasing a home, business or property with County-provided indoor and outdoor
21 conservation literature at the time of closing.
- 22 6. The County departments shall provide indoor and outdoor conservation literature to
23 all persons applying for a building permit and all persons initiating new water service
24 to the County Water Utility.
25

26 **Domestic Well Use Metering Program**

27
28 The domestic well metering program applies to only those residents of Santa Fe County
29 living or operating businesses on lots where restricted water usage and water meter
30 reporting requirements were voluntarily accepted as a condition of the plat approval. All
31 other residents of the County are exempt from this program.
32

- 33 1. All properties that are required to report water meter readings as a condition of plat
34 approval shall have the name and address of the property owner entered into the
35 database when the building permit is issued.
- 36 2. The final inspection field report shall require that the water meter be installed in order
37 for final inspection approval.
- 38 3. All properties that are required to have water meters shall also be required to test their
39 water meter for reading accuracy every ten (10) years and replace if necessary.
- 40 4. Each property that is required to report water meter reading will receive a mailing
41 from Santa Fe County containing a post card that can be filled out with the meter
42 reading and returned to Santa Fe County.
- 43 5. Failure to submit the meter reading will result in the same penalties as outlined for
44 other water violations.
- 45 6. When water is used in excess of the amount allocated to the property, the first year a
46 letter with educational/informational materials on how to reduce water use will be
47 sent to the water user and they will be required to submit water meter readings every

1 six months to track their progress. All subsequent water usage violations will result
2 in the same penalties as outlined for other water violations.

3
4 **Water Waste , Fugitive Water**

5
6 **1. Water Waste**

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8 No person, firm, corporation, county, state, federal or municipal facility or operation
9 shall cause or permit to occur any water waste. In general the occurrence of
10 unforeseeable or unpreventable failure or malfunction of plumbing and irrigation
11 system hardware shall not be deemed sufficient grounds for issuance of a citation or
12 other enforcement proceedings unless and until the County issues a formal written
13 notice.

14
15 Water waste means any non-beneficial use of water. Waste includes but is not
16 limited to leaks from indoor and outdoor plumbing systems in excess of 0.25 gallons
17 per minute.

18
19 For unforeseeable or unpreventable outdoor violations, the County shall generally
20 issue a formal warning notice prior to taking enforcement action. Prior to taking
21 formal enforcement action the County may instruct the water user not to operate the
22 faulty system until it is appropriately repaired. If operating the system is integral to
23 the operation of the facility the County may at its own discretion provide a period of
24 time in which to remedy the violation prior to commencing formal enforcement
25 action. Once a warning notice or an official citation has been issued for an outdoor
26 occurrence, subsequent water waste events shall be subject to strict enforcement.
27 Strict enforcement may include the issuance of citations and other such activities as
28 the County deems necessary to bring the water user into compliance. For indoor
29 water waste events and for those water waste events outdoors caused by a faulty
30 system which is integral to the operation of the facility, the waste must be abated
31 within 15 calendar days of the issuance of a warning notice or initiation of
32 enforcement action. Enforcement action shall be taken if the waste continues beyond
33 the 15-day period.

34
35 Water waste does not include:

- 36
37 A) Flow resulting from fire fighting or other routine inspection of fire hydrants or
38 other training activities,
39 B) Water applied to abate spills of flammable or otherwise hazardous materials,
40 C) Water applied to prevent health, safety or accident hazards when alternate
41 methods are not available,
42 D) Water that reaches or flows onto adjacent property or public or private right-of-
43 way when caused by vandalism, wild, emergencies or acts of God,
44 E) Flow resulting from a routine inspection or maintenance of a water utility system,

- 1 F) Water used by Santa Fe County in the installation, maintenance, repair or
 2 replacement of public facilities and structures such as traffic control devices,
 3 storm and sanitary sewer structures and road or street improvements,
 4 G) Water used by contractors or utilities including but not limited to sawcutting and
 5 pavement, compaction or other use required under terms of their contract,
 6 H) Any water that is discharged as a result of well development or a pumping test.
 7

8 **2. Fugitive Water**
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10 Fugitive water is prohibited. No person, firm, corporation, county, state, federal,
 11 municipal or other governmental facility or operation shall cause or permit the
 12 occurrence of fugitive water.
 13

14 Fugitive water means the pumping, flow, release, escape or leakage of any water from
 15 any pipe, valve, faucet, irrigation system or facility onto any hard surface such that
 16 water accumulates as to either create individual puddles in excess of ten feet square in
 17 size or cause flow along or off of the hard surface or onto adjacent property or the
 18 public right-of-way, arroyo, or other water course, natural or manmade. Fugitive
 19 water also means, during the irrigation of landscaping, the escape or flow of water
 20 away from the landscaping plants being irrigated even if such flow is not onto a hard
 21 surface.
 22

23 Fugitive water shall not include:

- 24 A) Incidental run-off caused by vehicle washing provided that a shut-off nozzle is in
 25 use,
 26 B) Periodic draining of swimming pools and spas,
 27 C) Storm run-off, including snowmelt run-off,
 28 D) Flowing resulting from temporary water system failures or malfunctions,
 29 E) Water applied, such as in the cleaning of hard surfaces, to prevent or abate public
 30 health, safety or accident hazards when alternate methods are not available. The
 31 washing of outdoor eating areas and sidewalks is not included in this exemption,
 32 F) Flow resulting from vandalism, high winds, emergencies and acts of God, or
 33 G) The occurrence of an unforeseeable or unpreventable failure or malfunction of
 34 plumbing or irrigation system hardware, prior to the issuance of a formal warning
 35 notice. Once a formal warning notice has been issued, the water user is instructed
 36 not to operate the faulty system until it is appropriately repaired, unless operating
 37 the system is integral to the operation of the facility. Once a warning notice has
 38 been issued, subsequent fugitive water events at the same location will be subject
 39 to issuance of citations.
 40

41 **Enforcement and Penalties**
 42

43 **1. Enforcement**
 44

45 The Santa Fe County Utilities Department, the County Code Enforcement Officers,
 46 the Santa Fe County Sheriff's Department and the Santa Fe County Fire Department

2295998

1 may enforce any and all of the County Water Conservation regulations. To the extent
2 that the Board of County Commissioners may find it desirable to vest specific
3 enforcement authority in other County personnel or other governmental agency, those
4 individuals so vested shall also have the authority and responsibility to enforce
5 regulations adopted County water conservation.
6

7 The following schedule of fines shall be used for violations of this Ordinance. All
8 violations on a single date at a single address constitute a single offense for purposes
9 of enforcement.
10

11	First violation:	\$50.00
12	Second violation	\$100.00
13	Third violation	\$200.00
14	Fourth and all subsequent violations	\$400.00

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16 2. Penalties

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18 Any person who violates the provisions of this Ordinance shall be prosecuted in a
19 court of competent jurisdiction and penalized to the maximum extent allowed by law.
20

21 3. Severability

22
23 The provisions of this Ordinance shall be severable. If, any provision of this
24 Ordinance is ruled to be invalid by a court of competent jurisdiction:
25

- 26 A) The effect of such judgement shall be limited to the specific provision or
27 provisions that are expressly stated in the judgement to be invalid; and
28 B) Such judgement shall not affect, impair or nullify the validity of application of the
29 remainder of this Ordinance that shall continue in full force and effect.
30

31 PASSED, APPROVED AND ADOPTED this 10th day of December, 2002.
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34 BOARD OF COUNTY COMMISSIONERS

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40 Paul Duran, Chairman
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2295999

ATTEST:

Rebecca Bustamante
Rebecca Bustamante, County Clerk



APPROVED AS TO FORM:

Steven Kopelman
Steven Kopelman, County Attorney



1240.213
COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO
I hereby certify that this instrument was filed
for record on the 23 day of Dec A.D.
20 02 at 8:13 o'clock a.m.
and was duly recorded in book 2295/2296
page 992 - 001 of the records of

Santa Fe County
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.

Marcello J. Lopez
Deputy

THE SANTA FE
NEW MEXICAN
Founded 1849

2296001

SEP 2002

SANTA FE COUNTY LAND USE DEPT.
P.O. BOX 276
SANTA FE, NM 87504-0276

ATTN: ROBIN GURULE AD NUMBER: 277651 ACCOUNT: 73450
LEGAL NO: 72039 P.O.#:
72 LINES 3 time(s) at \$ 82.23
AFFIDAVITS: 5.25
TAX: 5.44
TOTAL: 92.92

**SANTA FE COUNTY
BOARD OF
COMMISSIONERS
PUBLIC NOTICE**

Notice is hereby given that public hearings will be held before the Board of County Commissioners on the 13th day of August 2002 at 5 p.m., and on the 10th day of September 2002, at 6 p.m., in the County Commission Chambers of the Santa Fe County Courthouse corner of Grant and Palace Avenues, Santa Fe, New Mexico to consider An Ordinance addressing water conservation for all sources and uses of water within Santa Fe County.

The ordinance is proposed for final passage at the September 10, 2002, Board of County Commissioners hearing.

All interested parties will be heard at the Public Hearings prior to the Commission taking action. All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.
Pub. Aug. 27; Sept. 2, 9, 2002

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, K. Voorhees being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe and Los Alamos, State of New Mexico and being a Newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the publication #72039 a copy of which is hereto attached was published in said newspaper 3 day(s) between 08/27/2002 and 09/09/2002 and that the notice was published in the newspaper proper and not in any supplement; the first publication being on the 27 day of August, 2002 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

/s/ K. Voorhees
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this
9 day of September A.D., 2002

Notary Laura J. Hardin

Commission Expires 11/30/03

PO 300075
101-0505-414-7037
Robin Gurule
RA
9/29/02