

Appendix C

**Comprehensive
Water Conservation Requirements
Ordinance (SFCC 1987 § 25-2.2)**

25-2 COMPREHENSIVE WATER CONSERVATION REQUIREMENTS.*

25-2.1 Short Title.

This section may be cited as the Comprehensive Water Conservation Requirements Ordinance. (Ord. #1997-17, §2)

25-2.2 Purpose.

The purpose of this section is to provide the city the means to reduce per capita water demands by requiring its citizens and businesses to comply with prescribed water conservation regulations and by establishing financial incentives for water conservation. (Ord. #1997-17, §3)

25-2.3 Scope.

There is established a city of Santa Fe comprehensive water conservation requirements ordinance that shall apply to all water whether potable or effluent, and all customers of the city water or wastewater utility wherever situated to the extent legally permissible. (Ord. #1997-17, §4; Ord. #2001-34, §1; Ord. #2006-53, §5)

25-2.4 Declaration of Policy.

A. The governing body finds and determines that encouraging and requiring the adoption of water conservation strategies is an effective and low cost means to balance water demands with limited available water supplies and production capabilities. The governing body further recognizes that as a consequence of implementing water conservation regulations, reduction in water use provides the following benefits to the city and its citizens:

- (1) Potential for reduction of individual residential and commercial customers' water and sewer bills.
- (2) Serves as a critical interim source of supply while additional supply sources are being brought on line.
- (3) Reduces peak summer demands thereby reducing short and long-term system costs.
- (4) Enhances the local environment by minimizing transport of fertilizer, pesticide, and other contaminants from runoff to surface waters and deep percolation to ground waters. Enhances the global environment by reducing energy consumption associated with water production, treatment, and distribution.

B. It is hereby declared, because of the city's immediate and long-term limited water supplies and the overall benefits of water conservation, that the city promote and require water use efficiency strategies for the public health, safety, and general welfare of its citizens. (Ord. #1997-17, §5)

25-2.5 Conservation Signage and Literature Distribution.

A. Public, semi-public, and governmental restroom and shower facilities shall post not less than one (1) water conservation sign in each restroom and shower facility, the size of which shall not be less than eight and one-half (8.5") inches by eleven (11") inches. Such entities may use a city-provided sign or develop their own sign using city-provided text, the text of which shall cite this section. A "public facility" shall not include those facilities solely used by the entity's employees. A "semi-public facility" shall include all private clubs and fraternal organizations.

B. Hotels, motels, and other lodging facilities shall provide a water conservation informational card or brochure in a visible location in each guest room. Such facilities may use city-provided literature or develop their own using city-provided text. Lodging facilities shall not provide daily linen and towel changing for those guests staying multiple nights unless the guest specifically requests each day that the linen and towels be changed.

C. Retail plant nurseries shall provide their "end-use customers" with city-provided low water use landscape literature and water efficient irrigation guidelines at the time of sale of any outdoor perennial plants. An "end-use customer" is the person or persons who will ultimately own the plant material. A landscape contractor or architect is not an end-use customer. In order to facilitate the purchasing of low water use plants, nurseries are strongly encouraged to tag or sign their low water use plants that require little to no supplemental watering once established. For the sale of all turf or grass seed or sod, the customer shall be given city-provided literature indicating the restrictions to planting water consumptive turf, per Chapter XIV.

D. Landscape contractors, maintenance companies and architects shall provide their prospective clients with city-provided low water use landscape literature and water efficient irrigation guidelines at the time of presenting a service contract to the prospective client. Landscape professionals are strongly encouraged to educate their customers regarding the operation of their timed irrigation systems.

E. Title companies and others closing real estate transactions shall provide the entity purchasing a home, business, or property with city-provided indoor and outdoor conservation literature at the time of closing.

F. City departments shall provide indoor and outdoor conservation literature to:

(1) All persons applying for a building permit from the permit and development review division.

(2) All customers initiating new water service from the city water division.

(Ord. #1997-17, §6; Ord. #2001-34, §2)

25-2.6 Indoor Conservation.

A. Minor water system leaks, as determined by the city, from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the water division or utility billing section. A severe leak, as determined by the city, shall be repaired immediately. Failure to do so may result in discontinuance of service as set forth in Rule 9, Exhibit A of Chapter XXV SFCC 1987*. Proof of repair shall be provided to the water division or utility billing section upon completion of the repair.

B. For all new and remodeling construction and all replacements of existing plumbing fixtures, the water conservation plumbing standards set out below shall be met. In addition, with the exception of item (4), all existing nonresidential water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by January 1, 2003. Any property with more than three (3) rental units shall retrofit their facilities such that the plumbing fixtures noted below with the exception of items (2) and (4) are in place by August 28, 2007, (one (1) year from the date of adoption of this subsection). Other residential water users are exempt from this retrofit requirement.

(1) Water closets. Water closets, either flush tank, flushometer tank, or flushometer valve operated, shall have an average consumption of not more than 1.6 gallons (6.1 liters) of water per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons per flush shall not be used to satisfy this requirement.

(2) Urinals. Urinals shall have an average water consumption of not more than 1.0 gallon (3.8 liters) of water per flush, with the exception that, if approved by the inspection and enforcement division, blowout urinals may be installed for public use in stadiums, race courses, fairgrounds, and other structures used for outdoor assembly and for similar uses.

(3) Non-metered faucets. Lavatory and kitchen faucets shall be equipped with aerators and shall be designed and manufactured so that they will not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute.

(4) Metered faucets. Self-closing or self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, and convention halls. Metered faucets shall deliver not more than 0.25 gallons (0.95 liter) of water per use.

(5) Shower heads. Shower heads shall be designed and manufactured so that they will not exceed a water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety showers are exempted from this provision.

(6) Installation. Water-conserving fixtures shall be installed in strict accordance with the manufacturers' instructions to maintain their rated performance.

(7) Certificate of compliance. For all new and remodeling construction, all of the requirements regarding water conserving devices mentioned in subsections 25-2.6 B(1) SFCC 1987 through 25-2.6B(6) SFCC 1987 shall be certified by a certificate of compliance by a licensed mechanical contractor or plumbing permittee before or at the time of the final plumbing inspection.

(8) Authority to permit exceptions. The city water division director upon advice of the city plumbing inspector shall have the authority to permit exceptions to subsections 25-2.6 B(1) through 25-2.6B(7) SFCC 1987 in any case necessary to maintain adequate health and sanitation standards.

(9) Existing nonresidential water users failing to retrofit their facilities by September 8, 2003 and existing properties with more than three (3) rental units failing to retrofit their facilities by February 28, 2008 (eighteen (18) months after the adoption of this subsection), shall be subject to four (4) times the administrative fees set forth in subsection 25-1.4A(1) SFCC 1987. After a citation for failing to retrofit has been issued, the water user shall have sixty (60) days to obtain such retrofits. During that sixty (60) day period, no further citations shall be issued. After that sixty (60) day period, the water service shall be discontinued following notice as set forth in Exhibit A, Rule 9, paragraph D.3 of this chapter.*

C. *Eating Establishments.* All public and private eating establishments shall provide water or other beverages only upon request. Eating establishments serving beverages in single-serving containers shall only serve an accompanying glass if specifically requested by the customer. These provisions shall be clearly communicated to the customer in at least one (1) of the following manners: on the menu, by use of a "table tent" or similar signage on the table, or posting in a location clearly visible to all customers. All catering and banquet operations shall comply with the provisions of this subsection.

D. *Lodging Restrictions.* Lodging facilities shall not change the sheets and towels more than once every four (4) days for guests staying more than one (1) night unless there is a justified public health reason. Guests shall be informed of this requirement in writing at the time of check-in.

(Ord. #1977-17, §7; Ord. #2001-34, §3; Ord. #2003-31, §1; Ord. #2006-53, §6)

25-2.7 Outdoor Conservation.

A. *Outdoor Irrigating Periods.* Outdoor irrigation is prohibited between 10:00 a.m. and 6:00 p.m. from May 1 through October 31. It is recommended that outdoor irrigation be limited to no more than three (3) days per week, recognizing that low-water use plants and native

vegetation require less irrigation. The use of grey water meeting applicable standards or water harvested from precipitation is encouraged.

B. *Exemptions:*

(1) Nursery stock. Plants being irrigated for retail or wholesale sale are exempt from paragraph A, above.

(2) Licensed landscape maintenance and contracting companies. All manual watering by landscape maintenance and contracting companies licensed with the state of New Mexico construction industries division and registered with the city of Santa Fe business registration unit are exempt from paragraph A, above. Landscape companies setting timed irrigation systems shall ensure that the systems comply with paragraph A.

(3) Acequias. Irrigation from acequias is exempt from paragraph A, above.

C. *Potable Water Use for Certain Construction and Landscaping Purposes.* For those construction and landscaping purposes permitted by the New Mexico environment department to use treated wastewater, potable water use from a fire hydrant is prohibited. Treated wastewater from the city's effluent fill station or other facility shall be used for such purposes.

D. *Swimming Pools.* Swimming pools located outside shall be covered when not in use. Kiddy pools less than twelve (12") inches in depth and less than five (5') feet in diameter are exempt from this provision.

E. *Vehicle Washing:* All manual car washing shall use a hose equipped with a positive shut-off nozzle.

(1) All vehicle washing at residences is limited to once-per month per vehicle; and

(2) Commercial car sale lots and other commercial and governmental entities with on-site vehicle washing facilities are limited to washing each vehicle one (1) time per month unless there is a demonstrated public health or safety reason for more frequent washings. Commercial car sale lots shall be allowed to wash cars at time of sale and prior to placing in a showroom.

F. *Hard Surface Cleaning.* Using water to clean hard surfaces with a hose or power washer, including but not limited to, the cleaning of tennis courts, sidewalks, driveways, walls, parking areas and outdoor eating areas is prohibited except to prevent or abate public health, safety or accident hazards when alternative methods are not available.

G. *Turf.* The planting of cool season grass is strongly discouraged. For further restrictions see subsection 14-8.4(F)(4) SFCC 1987.

H. *Authority to Permit Exceptions.* The city water division director has the authority to permit exceptions to this subsection provided the water conservation objective is not compromised.

(Ord. #1997-17, §8; Ord. #2001-34, §4; Ord. #2003-12, §1; Ord. #2006-53, §7)

25-2.8 Reserved.*

25-2.9 Turf Restrictions.**

A. Turf requirements for sports fields and golf courses shall comply as follows:

(1) Sports fields or golf courses created after August 25, 2003, shall not install turf grass sod or turf grass seed mixes.

(2) Sports fields or golf courses created prior to this date which have artificial turf shall not convert to natural turf.

(3) Sports fields or golf courses created prior to this date which have natural turf may be permitted to rehabilitate the natural turf if the area needing to be rehabilitated does not exceed seventy-five percent (75%) of the turf area. Rehabilitation of more than seventy-five percent (75%) shall not be permitted. Such turf areas in excess of seventy-five percent (75%) shall be replaced with artificial turf.

B. This section shall apply to all customers of the city water system except city owned sports fields or golf courses or to sports fields or golf courses which are part of a public or private preschool, elementary school, junior high school, high school, college or university.

C. As appropriate, violations of this section shall be considered a misdemeanor punishable as set forth in Section 1-3 SFCC 1987. In addition, the city may discontinue water service following a twenty-four (24) hour notice as set forth in Rule No. 9 of Exhibit A, Chapter XXV SFCC 1987* or pursue enforcement of these specific performance requirements in an appropriate court of law.

(Ord. #2003-28, §3)

25-2.10 Reserved.*

25-2.11 Other Water Conservation Programs.

The governing body may adopt other water conservation programs, including but not limited to, rebates or vouchers for water saving devices. Such programs shall be adopted by

resolution and shall not exceed funds allocated by the governing body each fiscal year. No water user shall be eligible for both a rebate or voucher and a retrofit credit for any specific water saving device. (Ord. #2003-29, §2)

25-2.12 Domestic Water Leak Repair Loan Program.

A. *Legislative Findings.* The governing body has determined the following:

- (1) The city has limited water resources especially in years of drought;
- (2) The city of Santa Fe encourages the community to conserve water in various ways;
- (3) Leaking toilets, leaking water service lines, and leaking fixtures may account for a significant portion of residential water consumption; and
- (4) The costs associated with water leak repair can prove discouraging or prohibitive for many residential water customers.

B. The city shall provide loans for the purpose of water leak repair provided the following are met:

- (1) The loan recipient shall be a residential customer of the city water system;
- (2) Loans are available on a first come, first serve basis until all dedicated funds are expended;
- (3) Each city water customer shall be limited to a one-time loan;
- (4) The loan recipient shall be solely responsible for employing and settling with the leak repair contractor;
- (5) The contractor performing repair work shall be licensed in New Mexico for residential plumbing;
- (6) The city does not warrant, endorse, or assume liability for the quality or performance of the repair performed;
- (7) The loan amount shall be within the city's adopted range;
- (8) The loans shall be extended at zero percent interest;
- (9) The loans shall be repaid according to established terms including minimum monthly payments and penalties for nonpayment;

(10) The city may file a lien in the amount of the loan on the property for which the loan is applied for. The city may assess a fee for the placement of the lien. The lien shall be removed upon full loan repayment;

(11) The amount of the lien shall be increased by eighteen percent (18%) per annum in the event that the loan is not repaid in the agreed upon time period;

(12) The loan recipient shall agree to allow the city access to inspect the premises in order to verify repair;

(13) Loans for leak repair shall comply with city program guidelines as adopted.

C. The total of all loans shall not exceed the amount appropriated by the governing body each fiscal year.

D. A tracking mechanism shall be utilized to evaluate the cost and water savings of the leak repair program. The water conservation committee shall annually evaluate the program's effectiveness and propose program improvements. This information shall be reported annually to the governing body.

(Ord. #2004-15, §1)

25-3 WATER WASTE.

25-3.1 Applicability.*

A. Section 25-3, regarding water waste, shall apply to the following:

(1) All water customers of the city water system whether located within the city limits or not;

(2) All city effluent customers whether located within the city limits or not;

(3) All customers of the city waste water system whether located within the city limits or not; or

(4) All private well users located within the city limits.

B. The use of the word water in Section 25-3 shall mean potable water, stormwater, grey water and effluent.

(Ord. #2006-53, §11)

25-3.2 Wasting Water Prohibited.*

A. No person, firm, corporation, or county, state, or federal facility or operation, to the extent allowed by law, or municipal facility or operation shall waste water. Wasting water shall include the following:

(1) The pumping, flow, release, escape, or leakage of any water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten (10) square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of-way, arroyo, or other water course, natural or manmade;

(2) During the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface; or

(3) The nonbeneficial use of water including, but not limited to, leaks to indoor and outdoor plumbing system (faucets, hose bibs, showerheads, toilets, etc.) in excess of 0.25 gallons per minute. Residential water users, both single family and multifamily are exempt from the indoor plumbing aspect of this restriction.

B. The following are not considered wasting water. However, water used in such a manner shall be minimized:

(1) The incidental runoff caused by vehicle washing provided that a shut-off-nozzle is used;

(2) The periodic draining of swimming pools and spas;

(3) Flow resulting from temporary city water system failures or malfunctions;

(4) Water applied, such as in the cleaning of hard surfaces, to prevent or abate public health, safety, or accident hazards when alternate methods are not available. The washing of outdoor eating areas and sidewalks is not included in this exemption;

(5) Flow resulting from vandalism, high winds, emergencies, and acts of God;

(6) The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware, prior to the issuance of a formal warning notice issued to the water user as set forth in subsection 25-1.4 SFCC 1987;

(7) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities;

(8) Water applied to abate spills of flammable or otherwise hazardous materials;

(9) Flow resulting from a routine inspection or maintenance of the city water system;

(10) Water used by the city of Santa Fe in the installation, maintenance, repair or replacement of public facilities and structures including but not limited to traffic control devices, storm and sanitary sewer structures and road or street improvements; or

(11) Water used by contractors or utilities including but not limited to saw cutting of pavement, compaction, or other use required under terms of their contract.
(Ord. #2006-53, §13)

25-3.3 Warnings.

For unforeseeable or unpreventable violations, the city shall generally issue a formal warning notice prior to taking enforcement action. Prior to taking formal enforcement action, the city may instruct the water user to not operate the faulty system until it is appropriately repaired. If operating the system is integral to the operation of the facility the city may at its discretion provide a fifteen (15) calendar day time period in which to remedy the violation prior to commencing formal enforcement action. Once a warning notice has been issued, subsequent water waste events shall be subject to enforcement action. (Ord. #2006-53, § 15)