

# SANTA FE COUNTY

RESOLUTION NO. 2003 - 149

2676422

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## A RESOLUTION APPROVING AND ADOPTING WATER SERVICE POLICIES AND PROCEDURES FOR CUSTOMERS OF THE SANTA FE COUNTY WATER UTILITY

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**WHEREAS**, Santa Fe County ("County") provides water service to residential and non-residential customers in certain areas in the County through its Utilities Department, ("Santa Fe County Water Utility"); and

**WHEREAS**, water is an essential but limited resource, which must be wisely and efficiently utilized; and

**WHEREAS**, the resources available to the Santa Fe County Water Utility to provide water service are finite and limited; and

**WHEREAS**, the Santa Fe County Water Utility is responsible for processing requests for service, provision of service, billing and other essential operations associated with providing adequate and reliable water service; and

**WHEREAS**, it is in the best interest of the County and the Santa Fe County Water Utility and its customers to establish Policies and Procedures that will govern the provision of water service by the Santa Fe County Water Utility; and

**WHEREAS**, on April 9, 2002, the Santa Fe County Board of Commissioners adopted and approved Resolution No. 2002-40, A Resolution Adopting Water Service Policies and Procedures for Customers of the Santa Fe County Water Utility; and

**WHEREAS**, on July 29, 2003, the Santa Fe County Water Utility requested the Santa Fe County Board of Commissioners to approve and adopt a Water Conservation Policy ("SFCWU Policy No. 23") consistent with Santa Fe County Ordinance No. 2002-13, An Ordinance Addressing Water Conservation for all Residential and Commercial Uses of Water Within Santa Fe County; and

**WHEREAS**, on September 9, 2003, the Santa Fe Board of County Commissioners held a public hearing on the proposed water conservation policy.

**NOW, THEREFORE, BE IT RESOLVED** that the Santa Fe Board of County Commissioners hereby approves and adopts the attached **POLICIES AND PROCEDURES FOR THE SANTA FE COUNTY WATER UTILITY**.

**BE IT FURTHER RESOLVED** that approval and adoption of this Resolution by the Santa Fe Board of County Commissioners, rescinds Santa Fe County Resolution No. 2002-40.

SEE LAM BELMONT (SANTA FE COUNTY WATER) OFF  
6/27/03/03/03

APPROVED, ADOPTED AND PASSED, this 30 day of September, 2003.

**SANTA FE COUNTY BOARD OF COMMISSIONERS:**

2676423

*Jack Sullivan*  
Jack Sullivan, Chairman

**ATTEST:**

*Rebecca Bustamante*  
Rebecca Bustamante, Santa Fe County Clerk

**APPROVED AS TO FORM:**

*for Sophia Collard*  
Stephen C. Ross, Santa Fe County Attorney

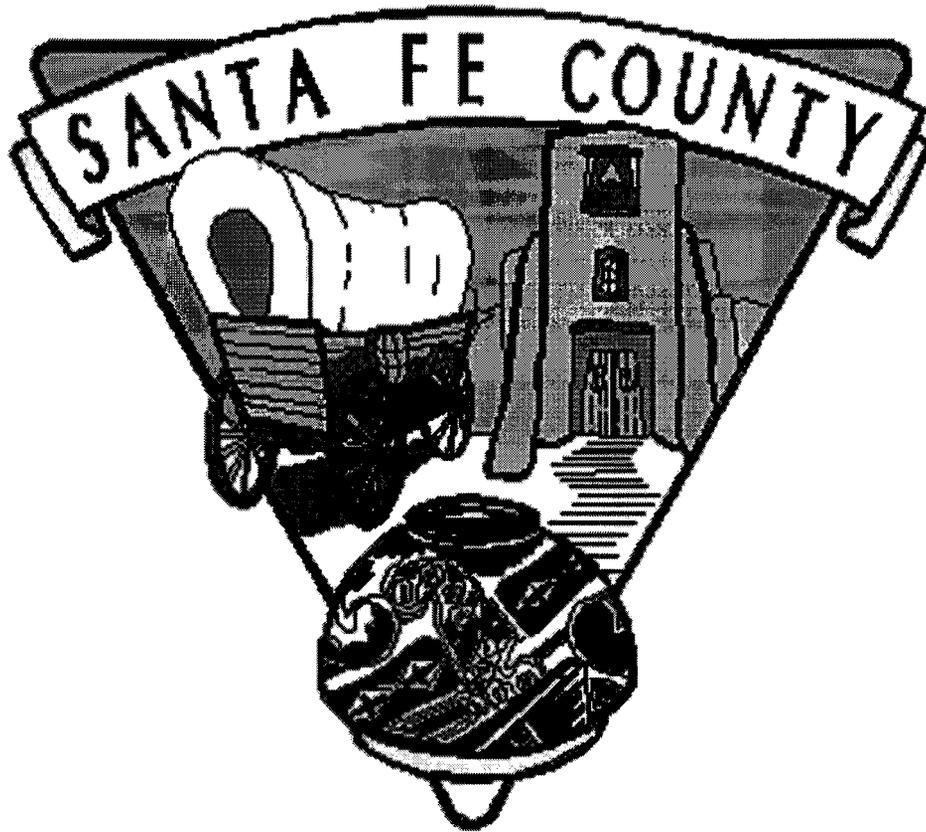


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COUNTY OF SANTA FE }  
STATE OF NEW MEXICO } ss  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED  
FOR RECORD ON THE 30 DAY OF Sept A.D.  
20 03 AT 8:21 O'CLOCK PM  
AND WAS DULY RECORDED IN BOOK 2676  
PAGE 462-463 OF THE RECORDS OF  
SANTA FE COUNTY

WITNESS MY HAND AND SEAL OF OFFICE  
REBECCA BUSTAMANTE  
COUNTY CLERK, SANTA FE COUNTY, N.M.  
*Marcella O'Leary*  
DEPUTY

FILED CLERK RECORDED 09/22/2003



2676424

# UTILITIES DEPARTMENT

## WATER UTILITY

**CUSTOMER SERVICE POLICIES & PROCEDURES**

9/07/97/90 (STRICTLY PRIVATE)

**SANTA FE COUNTY WATER UTILITY**

**TABLE OF CONTENTS**

<u>Policy Number</u>	<u>Title</u>
1	Preamble
2	Definitions and Explanations
3	Character of Service
4	Application for Service
5	Rendering and Payment of Bills
6	Security Deposits, Guarantees of Payment
7	Disputed Bills
8	Service Connection
9	Discontinuance and Denying Restoration of Service
10	Responsibility for Water Service Equipment
11	Interruption of Service
12	Rates and Optional Rates
13	Acceptable Standards
14	Utility's Right to Ingress to and Egress from Customer's Property
15	Unauthorized Connections
16	Stoppage or Obstructions in Service
17	Temporary and Special Service
18	Metering
19	Limitations and Restrictions of Use of Water
20	Settlement Agreements
21	Estimated Bills
22	Complaint Procedures
23	Water Conservation Policy

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**SFCWU POLICY NO. 1**

**PREAMBLE**

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**Customer Service Policies & Procedures.** The Customer Service Polices & Procedures set forth and establish the responsibilities and rights of the Santa Fe County Water Utility, herein after referred to as the "Utility", and its residential and non-residential customers in their water service relationship. Nothing herein shall prevent the Utility from adopting Customer Service Policies & Procedures, which are additional to those set forth herein to cover special circumstances.

These Policies & Procedures are intended to provide general standards for uniform and reasonable practices by the Utility.

Conformed copies of these Polices & Procedures are available for inspection at the Utility's main offices at 205 Montezuma, Santa Fe, New Mexico, 87501.

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**SFCWU POLICY NO. 2**

**DEFINITIONS AND EXPLANATIONS**

- A. **BCC** – Santa Fe Board of County Commissioners. 2676427
- B. **CHRONICALLY DELINQUENT** – the status of a customer who during the prior twelve (12) months has been disconnected by the Utility for nonpayment or who during the prior twelve (12) months has not paid a bill by the date that a subsequent bill is rendered on three (3) or more occasions.
- C. **COMMERCIAL SERVICE OR USE** – the provision of or use of water for all types of establishments not otherwise classified as residential.
- D. **COUNTY** – Santa Fe County.
- E. **CUSTOMER** – any person, firm, association, corporation, or any agency of the federal, state, or local government being supplied with and/or responsible for payment for water services by Utility.
- F. **DELINQUENT** – the status of a bill rendered to a customer for Utility service which remains unpaid after the date the bill is payable under SFCWU Policy No. 5.
- G. **DISCONTINUANCE OF SERVICE** – an intentional cessation of service by the Utility, which was not requested by a customer.
- H. **ESTIMATED BILL** – a bill for utility service, which is not based on an actual reading of the customer’s meter, or other measuring device for the period billed.
- I. **POINT OF SERVICE** – the point of service shall be the point where the facilities of the Utility connect to the customer’s yard line.
- J. **PRESSURE** – the range of thirty-five (35) psi to one hundred twenty-five (125) psi which can ordinarily be made available in the area contiguous to existing lines.
- K. **NON-RESIDENTIAL SERVICE OR USE** - the provision of or use of water to all types of establishments not otherwise classified herein as residential, including but not limited to, industrial, commercial, municipal and government.
- L. **RATE SCHEDULE** – a description of the charges, conditions of services and other similar information associated with the provision of water service to a given class or type of customer.
- M. **RENDITION OF A BILL** – the date of mailing or personal delivery of a bill by the Utility.

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- N. **RESIDENTIAL SERVICE OR USE** – the provision of or use of water for household or domestic purposes, not including apartments, unless individually metered.
- O. **SERVICE LINE** – the pipe connection from a distribution water main to the water meter.
- P. **UTILITY** – Santa Fe County Water Utility (“SFCWU”).
- Q. **UTILITY CHARGES** – the billing or charges for the provision of water service and other charges authorized by the Commission pursuant to approved tariffs.
- R. **WATER SERVICE** – the general term for furnishing the customer with water.
- S. **YARD LINE OR CUSTOMER’S WATER LINE** – the piping owned and installed by the customer on the customer’s side of the meter.

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**SFCWU POLICY NO. 3**

**CHARACTER OF SERVICE**

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Water service will be furnished under conditions as stated in these Policies & Procedures. Service to a customer will be provided at the rates set forth in the rate schedule, which is applicable to the customer.

**A. RESIDENTIAL WATER SERVICE**

1. Residential water service will be furnished under the residential rate schedule to a single family dwelling or to a multiple dwelling unit or condominium if separate piping is installed for each separate dwelling unit so that water service to each unit can be metered separately and billed separately.
2. Where a premise is used for both residential and commercial purposes, the water service will be billed under the applicable commercial rate schedule. When separate piping is installed to separately meter the water service to each class of service, billing will be rendered in accordance with the applicable rate schedule.
3. Each separate service or meter will be metered and billed separately.

**B. NON-RESIDENTIAL WATER SERVICE**

1. Non-residential water service shall include water service to all types of establishments not otherwise classified herein as residential.
2. More than one premises or business will not be served through one (1) meter, except a group of buildings under one (1) management and control, provided that each building or service requirement is an integral part of and necessary to the operation of the institution.
3. Any establishment acknowledged or advertised as carrying on a business, professional or commercial enterprise will be classified as non-residential.
4. Each separate service or meter will be metered and billed separately.

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**SFCWU POLICY NO. 4**

**APPLICATION FOR WATER SERVICE**

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- A. Applications for water service shall be made at the Utility's business office, in person or by telephone. Written contracts are required for all classes of service other than service to residential customers or non-residential customers accepting service under the applicable rate schedule if no extension of facilities is required. Upon approval of such application and after any necessary permits have been obtained, the Utility shall have a reasonable time thereafter to provide water service. If, due to circumstances beyond the control of the Utility, service cannot be furnished within a reasonable amount of time, the customer will be notified promptly regarding the delay.
- B. An applicant requesting water service that will require an extension of the Utility's transmission and or distribution mains ("line extension") shall enter into a Line Extension Agreement. Line extensions for water service shall be in accordance with the Utilities' Water Line Extension Policy to Serve New Customers of the Santa Fe County Water Utility.
- C. A Reconnection Fee shall be paid by an existing customer requesting to transfer the point of service or for service that has been previously involuntarily disconnected from any point in the system operated by the Utility. In addition to the Reconnection Fee, the applicant shall pay all delinquent fees and charges owed the Utility and any other fees associated with the restoration of service.
- D. The conditions of piping and character of installation on any premises served or to be served shall be subject to inspection by the Utility and be approved by the appropriate governmental inspection agency. If such piping and/or installation are found to be faulty, the Utility may refuse to provide service until after such faulty installation has been corrected to the satisfaction of such appropriate governmental agency or the Utility. The Utility does not, however, assume the responsibility for such inspections and shall not be held liable for failure of such piping or installations.
- E. The Utility reserves the right to limit each lot to a maximum daily average usage.
- F. A non-residential customer shall notify the Utility of any plans it will undertake that will increase the quantity of water service by more than 15% above its 12-month average. The customer shall provide to the Utility the additional water service requirements sufficiently in advance so that the Utility may supply the customer with the terms and conditions under which the water will be supplied to the customer.
- G. New or additional water service will be limited to available unreserved capacity in production, including water rights, transmission and distribution facilities. In all cases where such existing facilities are limited, the Utility may require a written contract for a

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**SFCWU POLICY NO. 5**

**RENDERING AND PAYMENT OF BILLS**

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- A. The Utility shall render a bill to every customer for each billing period in accordance with applicable rate schedules.
- B. When billing for concurrent service at a residential premises, the usage and charge attributable to each such service shall be clearly set forth on the bill. Water service to multiple locations billed to a single customer shall be separately stated for each location.
- C. All bills for water service to residential customers are due when rendered, and are payable within twenty (20) calendar days from the date of bill for payment in full before the bill is deemed delinquent.
- D. All bills for water service to non-residential customers are due when rendered, and are payable within ten (10) calendar days from the date of bill for payment in full before the bill is deemed delinquent.
- E. A customer has fifteen (15) calendar days from the date the bill is deemed delinquent before the Utility may disconnect Utility service, pursuant to the provisions of SFCWU Policy No. 9.
- F. If the last day for payment of a bill falls on a Sunday, legal holiday, or any other day when the offices of the Utility are not open to the general public, the final payment date shall be extended through the next business day.
- G. In the event of the stoppage of or the failure by any meter to register the full amount of water delivered, or of the inaccessibility of the meter, the customer will be billed for such period on an estimated consumption based upon use of water in a similar period of like use; provided, however, that such period shall not exceed six (6) months.

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**SFCWU POLICY NO. 6**

**SECURITY DEPOSITS – GUARANTEES OF PAYMENTS**

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A. Residential Security Deposits or Guarantees. The Utility may not require a security deposit or other guarantee of payment as a condition of new or continued service to a residential customer except in the case of service:

1. to a residential customer who has not previously had utility service with the Utility and who has not established an acceptable credit rating;
2. to a chronically delinquent residential customer of the Utility;
3. as a condition for reconnection of service following an involuntary discontinuance of service by the Utility; and
4. to a residential customer who in an unauthorized manner has interfered with or diverted the service of the Utility situated on or about or delivered to the residential customer's premises.

B. Methods to Establish Acceptable Credit Rating for Residential Customers

1. A residential customer or guarantor may establish an acceptable credit rating in any reasonable manner, including but not limited to the following:
  - a. owning or purchasing a home;
  - b. being presently or recently regularly employed on a full time basis for at least one (1) year;
  - c. demonstrating an adequate regular source of income; or
  - d. providing adequate credit references from a commercial credit source or a utility where the residential customer had prior utility service.
2. If a residential customer or prospective residential customer cannot establish an acceptable credit rating but can demonstrate to the Utility that the residential customer has inadequate financial resources to pay the security deposit because the residential customer has a low income and is elderly, disabled, or subject to other special considerations, the Utility may give special consideration to the residential customer in determining whether and in what amount a security deposit will be charged.
3. If a prospective residential customer cannot establish an acceptable credit rating but previously received utility service under the name of a spouse, the Utility may consider prior utility service to that spouse in determining whether and in what amount a security deposit will be charged.

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C. Refund of Deposits, Termination of Guarantees for Residential Customers

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1. Any residential customer who has not been chronically delinquent for the twelve-month period from the date of providing a security deposit or guarantee shall promptly receive a credit or refund in the amount of the deposit together with accrued interest due or shall be permitted to terminate any guarantee. If the amount of the deposit exceeds the amount of the current bill, the residential customer may request a refund in the amount of the excess if such excess exceeds ten dollars (\$10). If the residential customer fails to qualify for a refund of the deposit on the first anniversary date of the deposit, the account shall be reviewed on each succeeding anniversary date of the deposit and the amount of the deposit chronically delinquent during the preceding twelve-month period. A residential customer may request a refund at any time after twelve months, which refund shall be paid, within thirty days, if the residential customer has not been chronically delinquent during the prior twelve-month period, or the Utility may pay such refund in the absence of a request within a reasonable period of time.
2. Unclaimed deposits shall be handled as provided by law.

D. Security Deposits or Guarantees for Non-residential Customers. If the Utility requires a deposit from a non-residential customer, it shall set forth the terms and conditions under which that deposit will be collected and refunded at the time the customer files an application for service. The terms and conditions will be a condition of service and will be maintained with the customer's records.

E. Amounts of and Accounting for Security Deposits. The Utility's security deposit policy is as follows:

1. A security deposit shall be equivalent to one and one half (1 ½) times that customer's estimated maximum monthly bill.
2. Simple interest on security deposits at the rate of 5% shall accrue annually to the customer's credit for the time it is held by the Utility. The deposit shall cease to draw interest on the date it is returned, on the date service is terminated, or on the date the refund is sent to the customer's last known address.
3. Each customer posting a security deposit shall receive in writing at the time of tendering the deposit or with the first bill a receipt as evidence of the deposit. The receipt shall contain the following minimum information:
  - a. the name of the customer;
  - b. the date of the security deposit;
  - c. the amount of the security deposit and;
  - d. a statement of the terms and conditions governing the security deposit, retention, interest, and return of deposits.

4. The Utility shall adopt reasonable measures to ensure that a customer entitled to a return of a security deposit is not deprived of the deposit refund even though the customer may be unable to produce the original receipt for the deposit, provided the customer can produce adequate identification to insure that the customer is entitled to a refund of the deposit.

F. Records of Deposits. The Utility shall keep records of deposits and issue receipts of deposits.

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**SFCWU POLICY NO. 7**

**DISPUTED BILLS**

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- A. The Utility agrees to promptly investigate any question as to the accuracy of metering (if applicable) or of bills for service rendered, and if the bill is in error, the Utility shall submit a corrected bill to the customer as promptly as circumstances permit or give credit on the next bill rendered to the customer.
  
- B. In the event the customer disputes the amount of a bill for services rendered, the Utility shall promptly investigate the matter. If the bill is determined to be correct, the Utility shall use its best efforts to explain the disputed amount to the customer.

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**SFCWU POLICY NO. 8**

**SERVICE CONNECTION**

2676437

- A. The Utility shall determine the point of service to any premises. The Utility shall be contacted for exact information regarding the service access points before any installation of piping in the interior of a building to be served is commenced. If the service access information is not obtained and the service access requirements are not complied with, the Utility shall not be liable for any necessary installation or operational changes required to be made and assumes no responsibility.
- B. Not more than one (1) service line shall be installed on the premises for any one (1) customer unless agreed to by the Utility where special circumstances exist.
- C. No more than one (1) single-family residential unit shall be served through any single residential water service connection. In the case of multiple dwelling units or condominiums, service can be rendered by a single commercial connection or by individual meters for each dwelling unit at the option of and at the cost of the owner.
- D. The Utility's service laterals shall terminate at the meter and it shall be the owners' responsibility to make the necessary connection from the meter to the point of use.
- E. The Utility will endeavor to install meters as close as reasonably practicable to the property line provided there is public access to the meter location.

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SFCWU POLICY NO. 9

2676438

**DISCONTINUANCE AND DENYING RESTORATION OF SERVICE**

- A. Customers who intend to move from the premises or discontinue the use of water service or in any way terminate their service shall give the Utility reasonable notice of these intentions, and the customer will be liable for all water that may be used upon the premises until the the Utility has made the final meter reading and termination of service is formalized by the Utility. Upon receipt of such a notice, the Utility will read the meter within a reasonable period of time.
  
- B. Any customer requesting disconnection of service shall provide this request in writing to the Utility at its office. The Utility may act upon telephone or verbal requests to discontinue service, but in the event of a dispute, only a written request to discontinue service will be considered proof of notice.
  
- C. The Utility may discontinue water service to any customer without prior notice:
  - 1. in the event of a condition determined by the Utility to be hazardous;
  - 2. in the event of a customer using its equipment in such manner as to adversely affect the Utility's equipment or the Utility's service to others;
  - 3. in the event of customers tampering with, damaging, or deliberately destroying the equipment furnished and owned by the Utility;
  - 4. in the event of use or abuse of the Utility's curb or meter shutoff valve by customers or customers' agent or;
  - 5. in the event of unauthorized use of service provided by the Utility.
  
- E. In the event of a shortage of supply and the Utility finds evidence of excessive or unreasonable use of water by a customer, or if it becomes necessary to ration water, the Utility will advise the customer of such condition. If within twenty-four (24) hours of receiving notice from the Utility, the customer has failed to correct the condition causing excessive or unreasonable use, failed to comply with rationing orders, or failed to demonstrate to the Utility's satisfaction why he/she cannot comply within this time period, the Utility may discontinue service without notice.
  
- F. The Utility may discontinue water service to any customer with three days prior written notice for:

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1. refusal to grant access at reasonable times to equipment installed upon the premises of the residential customer for the purpose of inspection, meter reading, maintenance, or replacement;
2. failure to furnish any service, equipment, permits, certificates, and/or rights-of-way that have been required by the Utility as a condition to obtaining service or the withdrawal, termination or failure of any such requirement;
3. violation of and/or noncompliance with any of the Utility's Policies & Procedures;
4. failure of the customer to fulfill contractual obligations for water service and/or facilities other than settlement agreements.

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G. The Utility may discontinue service to a non-residential customer with three days written notice for:

1. nonpayment of a delinquent water account;
2. nonpayment of a delinquent sewer account, if the Utility is providing both water and sewer service;
3. failure to comply with the terms and conditions of a settlement agreement;

H. The three-day notice required by Sections F and G of this Policy, shall be written in English and Spanish and shall include the following:

1. a statement of the reason(s) why the Utility has issued notice to discontinue water service;
2. the title(s), address, telephone number(s), and working hours of the personnel at the Utility responsible for carrying out the rights herein prescribed;
3. a statement that the customer can obtain a review by Utility personnel of the reasons for the proposed discontinuance of service, which shall stay the discontinuance during the review, and a statement that a complaint may be filed with the Utilities Department Director if the customer disagrees with the determination of the facts upon which the proposed discontinuance is based.

I. The Utility may discontinue service to a Residential Customer after fifteen (15) days written notice and in accordance with Sections J, K, L, M, N, and O for:

1. nonpayment of a delinquent water account;

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2. nonpayment of a delinquent sewer account, if the Utility is providing both water and sewer service;
  3. failure to comply with the terms and conditions of a settlement agreement;
- J. At least fifteen (15) days before the Utility proposes to discontinue service to a residential customer, the Utility shall provide that residential customer with notice of each of the rights that residential customers have relating to discontinuance of service and settlement agreements. This notice shall be written in both English and Spanish in simple language. The notice shall be delivered to the affected residential customer either in person or by depositing a copy of the notice in the U.S. Mail, postage prepaid, addressed to the residential customer at the address for the affected residential customer known to the Utility. The notice shall contain the following information:
1. the title(s), address, telephone number(s), and working hours of the Utility personnel responsible for effectuating the discontinuance;
  2. the amount owed and the date by which the residential customer must either pay the amount due or make other arrangements with the Utility concerning payment of the charges, including arrangements for a settlement agreement and also including the consumption period over which said amount was incurred and the date and amount of the last payment;
  3. a statement that if the residential customer pays that portion of the bill which is not in a bona fide dispute, the residential customer can obtain a review by Utility personnel of the portion of the bill which the residential customer does dispute without incurring a discontinuance of service;
  4. a statement that a residential customer may file a complaint with the Utilities Department Director if the residential customer disagrees with the Utility's determination concerning discontinuance of service;
  5. a statement that the Utility will not discontinue service to any residence where a person resides who is seriously ill or whose life may be endangered by discontinuance of service if at least two (2) days prior to the proposed service discontinuance date indicated in the notice: (a) the designated Utility personnel receives a certificate or copy thereof from a practitioner of the healing arts on forms provided by the Utility or other suitable forms stating that discontinuance of service might endanger the person's life; or (b) the residential customer demonstrates to the designated Utility personnel in writing on forms provided by the Utility or other suitable forms that the residential customer has inadequate financial resources to pay the utility charges when due, whether or not the accuracy of such charges is the subject of a bona fide dispute; and (c) that if service has been discontinued because this information was received after the

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service discontinuance, the Utility shall reestablish service within twelve (12) hours of receipt of said certificate;

6. a blank medical certificate for use by a practitioner of the healing arts to indicate the expected duration of the residential customer's serious illness or life endangering situation and a form for notifying the Utility that a residential customer has inadequate financial resources to pay utility charges when due. Such forms properly executed shall be adequate to delay discontinuance for at least thirty (30) days, and at the Utility's option the Utility may delay discontinuance for up to one hundred twenty (120) days or for a longer period of time. The Utility shall promptly notify the residential customer in writing as to how long it deems the certificate to be valid; provided, however, that should the circumstances upon which the certificate is based appear to have changed, the Utility may require additional certification;
  7. a statement of the cost of reconnecting service;
  8. a statement to the effect, "If you are a recipient of public assistance, contact your caseworker immediately."
- K. The Utility shall make reasonable efforts to communicate with a residential customer by telephone or personal contact at least two (2) days prior to the actual date of discontinuance of service in order to obtain payment of delinquent accounts or make other appropriate arrangements for payment. The Utility employee who personally contacts a residential customer at least two (2) days prior to discontinuance or the Utility employee sent to disconnect utility service shall note any information which is made known to the employee by the residential customer regarding any resident's serious illness or life endangering health condition, such as whether a resident is physically disabled, frail, or elderly. Such information shall immediately be reported in writing to the Utility Director or to his/her designee, who is authorized to prevent discontinuance of service. The Utility Director or his/her designee shall either delay the discontinuance of service order if it is apparent that the forms provided for in Section J, Paragraph No. 5, will be received or shall state in writing why such delay is not affected. The Utility shall not incur any liability for acting upon such information, or failing to act upon such information in good faith shall cause the Utility and Utility employee to be held harmless for any error made. The Utility employee sent to disconnect service shall be empowered to receive payment of delinquent bills, and upon receipt of payment, said employee shall be empowered to cancel the discontinuance of service order.
- L. The Utility shall offer its residential customers a third party notification program and develop adequate procedures for notification to its residential customers of the availability of the program. The third party notification program shall be extended only to residential customers who notify the Utility in writing of their desire to participate in the program and designate a specific person, organization, or governmental agency that is ready, willing, and able to assist the residential customer in the payment of utility bills.

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Upon receipt of such notice from a residential customer the Utility shall not discontinue service to the residential customer for nonpayment of past due charges without (1) contacting the designated person, organization, or governmental agency by phone or in writing at least fifteen (15) days prior to the proposed discontinuance of service; and (2) determining that the designated person, organization, or governmental agency has not made a commitment to assist payment of the past due charges of that residential customer within a reasonable period of time.

- M. When a residential customer has indicated to the Utility an inability to pay utility charges and has not been chronically delinquent, the Utility shall attempt to arrange an installment payment plan for the payment of past due utility charges. While an installment payment plan is being negotiated the Utility shall not discontinue service to the customer's residence for which the charges are delinquent. In the event that either negotiation of the installment plan is discontinued or progress of the negotiation is stalled, the Utility may proceed with discontinuance of service.
- N. The Utility shall provide a procedure for reviewing residential customer allegations that a proposed installment payment plan is unreasonable, that a utility charge is not due and owing, or that it has not violated an existing installment payment plan. This procedure shall provide for due notice to residential customers and the reviewing employee shall have authority to order appropriate corrective action. A discontinuance of utility service shall be stayed until the review is completed.
- O. Utility service to a residential customer may be discontinued only during the hours from 8:00 a.m. to 3:00 p.m. on Monday through Thursday and may not be discontinued less than twenty-four (24) hours prior to a holiday or weekend unless the Utility's business office is open for receipt of payment of past due charges and Utility personnel are available to restore such service upon payment during said holiday or weekend.
- P. Any customer whose service is involuntarily disconnected will be required to pay all fees and charges associated with the restoration of service.
- Q. The Utility shall not discontinue service for:
  1. the failure of a residential customer to pay for special services;
  2. the failure of a residential customer to pay for service received at a separate metering point, residence, or location; however, in the event of discontinuance or termination of service at a separate residential metering point, residence, or location, the Utility may transfer any unpaid balance due to any other residential service account of the residential customer and proceed in accordance with Paragraph E;
  3. the failure of the residential customer to pay for a different class of service received at the same or different location; however, the placing of more than one meter at the same location for the purposes of billing the usage of specific devices

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under optional rate tariffs or provisions is not construed as a different class of service;

4. nonpayment of the disputed amount of a bill; 2676443
  5. delinquency in payment for service to a previous occupant of the same premises unless a court has found the new customer legally liable for the debt of the previous occupant, or the previous occupant continues to reside at the premises;
  6. failure of a residential customer to pay the bill of another customer as guarantor thereof and;
  7. failure of a residential customer to pay an estimated bill rendered in violation of Policy No. 20.
- R. Failure to disconnect utility service within any time periods set forth within this Policy No. 9 shall not constitute a waiver by the Utility of its right to disconnect service.

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**SFCWU POLICY NO. 10**

**RESPONSIBILITY FOR WATER SERVICE EQUIPMENT**

**2676444**

- A. Utility's Responsibility. The Utility is responsible for the operation and maintenance of the utility plant up to the point of service.
- B. Customer's Responsibility. The customer is responsible for the yard line or customer's line. The customer shall use due diligence to protect the property of the Utility installed on the premises of the customer or on premises under his/her control, and the representative of the Utility shall have the right of access to the premises at all reasonable hours for the purpose of inspecting, testing, repairing, installing, or removing the property of the Utility.

2007/07/07 09:00 AM

SFCWU POLICY NO. 11

INTERRUPTION OF SERVICE

2676445

- A. The Utility agrees to use reasonable diligence in rendering continuous service and in furnishing a regular and uninterrupted supply of water, but the Utility does not guarantee uninterrupted service and supply and shall not be liable for damages in case such supply should be interrupted or fail by reason of an act of God, the public enemy, accidents, strikes, legal processes, state, county or municipal interferences, breakdowns or damage to the machinery or supply, processing and distribution or any cause beyond the control of the Utility.
  
- B. The Utility reserves the right to discontinue water distribution service for the purpose of making connections or extensions, repairs, raising or lowering of its pipe, or for any alterations, improvements, repairs, emergencies, or in connection with its business, and will not be liable for damages occasioned by interruption of or reduction in service when such interruptions or reductions are necessary to make repairs or changes in the Utility's transmission or distribution facilities. The Utility will endeavor to give reasonable notice in advance of any planned shutoff.

2007/08/09 09:11:11 AM

**SFCWU POLICY NO. 12**

**RATES AND MISCELLANEOUS CHARGES**

2676446

- A. The rates and miscellaneous charges of the Utility shall be only those rates and miscellaneous charges authorized by the BCC. Complete schedules of all rates and miscellaneous charges legally in effect will be kept at all times at the Utility's office at 205 Montezuma, Santa Fe, New Mexico, 87501.

0007/87/80 (RETRACTED) MARTIN GEE

**SFCWU POLICY NO. 13**  
**ACCEPTABLE STANDARDS**

- A. The Utility shall use acceptable engineering and industry standards in the design, construction and operation of the water system.

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**SFCWU POLICY NO. 14**

**UTILITY'S RIGHT TO INGRESS TO AND EGRESS FROM**  
**CUSTOMER'S PROPERTY**

- A. Duly authorized agents or employees of the Utility carrying proper credentials and identification shall have unrestrained access at all reasonable hours to all parts of the premises of the customer for the purpose of inspection and testing or for reading, changing, or removing the Utility's water meters. If such duly authorized agents or employees, after showing proper credentials and identification, are refused admittance or hindered or prevented from making such inspections, the service may be discontinued until free access is given in accordance with SFCWU Policy No. 9.

2676448



**SFCWU POLICY NO. 16**

**STOPPAGE OR OBSTRUCTIONS OF SERVICE**

- A. The Utility shall not be responsible for the stoppage or obstruction or breaks in a customer's yard line or water line.

2676450

6/27/87/90 (TRITAC/784 WAT/7) 085

**SFCWU POLICY NO. 17**

**TEMPORARY AND SPECIAL SERVICES**

- A. Temporary water service may be furnished upon request and if provided shall be billed at the Utility's highest authorized commodity rate. In addition, the customer shall pay the cost of installing and removing the necessary facilities required to provide such service.
- B. Temporary water service connections are primarily available to supply water for construction and other purposes that will not have an adverse impact on existing customers.

2676451

SHU. UHAM. RECORDED 06/23/2005

**SFCWU POLICY NO. 18**

**METERING**

2676452

- A. Ownership of Meters. All meters used in connection with metered service shall be installed, maintained, and owned by the Utility.
- B. Meter Testing. Each meter, whether new or repaired or removed from service for any cause, shall be tested and in good order before being installed. All tests to determine the accuracy of registration shall be made with standard meter testing equipment.
- C. Upon request by a customer, the Utility shall perform a test of the meter serving the customer and advise the customer that he/she may be present. If the meter has been tested within the last twelve (12) months, the Utility may charge the customer a meter test charge.
- D. If the customer wishes to be present, he/she should so notify the Utility at the time of the request for the meter test. The Utility shall give the customer reasonable advance notification as to the day, time, and place of said meter test.
- E. A report of the results of the test shall be provided to the customer within a reasonable time after the completion of test, and a record of the report together with a complete record of each test shall be kept on file at the office of the Utility, for no more than two years.
- F. Fast Meters. If upon testing the meter it is determined to be more than two percent (2%) fast in error against the customer, the Utility shall refund or credit to the customer an amount equal to the excess charged for the water incorrectly metered. The period over which the correction is to be made shall be the time of apparent failure; provided, however, the period shall not exceed six (6) months. No part of the minimum service charge shall be refunded as part of this correction.
- G. Slow Meters. If upon testing the meter it is determined to be more than two percent (2%) slow, the amount of the under-charge resulting from the error will be billed to the customer, but the period employed in calculating the under-charge shall not exceed six (6) months. The customer will not be billed for the period between his/her advice to the Utility that he/she doubts the meter's accuracy and the test of the meter by the Utility if the interval exceeds a time reasonable under the circumstances.
- H. Failure to Register. In the event of stoppage or failure of the meter to register the full amount of water consumed, the customer will be billed for consumption based upon the time elapsed since the last previous test or the time of apparent failure using an estimated consumption based upon such customer's use of water in a similar period of like use; provided, however, the period shall not exceed six (6) months. In the event that a customer does not have sufficient consumption history to determine the estimated

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consumption for a similar period, the Utility shall use the customer's monthly average consumption.

- I. The Utility reserves the right to test any meter at any time during business hours and to enter the premises of a customer if necessary for that purpose.

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**SFCWU POLICY NO. 19**

**CURTAILMENT OF SERVICE**

- A. In the event of a shortage of water supply or an interruption of water supply due to operational constraints, the Utility shall curtail usage of customers.

2676454

06/28/90 (RETRACTED) WATER USE

SFCWU POLICY NO. 20

SETTLEMENT AGREEMENTS

2676455

A. Settlement Agreements shall be in writing. When a Utility and a customer settle a dispute or when a customer does not dispute liability for an outstanding bill or bills but demonstrates an inability to pay the outstanding bill or bills then due, the Utility and the customer shall enter into a settlement agreement to pay the amount of the bill. The terms of a settlement agreement reached by telephone, which extends beyond forty-five (45) days shall be confirmed by the Utility in writing and mailed or delivered to the residential customer. The Utility is not required to enter into a settlement agreement with a chronically delinquent residential customer. However, if a chronically delinquent residential customer can demonstrate to the Utility that the residential customer has inadequate financial resources to pay the outstanding bill without participation in the settlement agreement or if the residential customer has a low income and is elderly, disabled, or subject to other special considerations, the Utility may give special consideration to such residential customer in determining whether to extend a settlement agreement to that residential customer.

B. Installment Payments.

1. Every settlement agreement involving an inability to pay an outstanding bill in full when due shall provide that service will not be discontinued if the customer pays a reasonable portion of the outstanding bill upon signing the settlement agreement and agrees to pay the remaining outstanding balance in reasonable installments until the bill is paid. For purposes of determining reasonableness the parties shall consider the following:

- a. the size of the outstanding balance,
- b. the customer's ability to pay,
- c. the customer's payment history,
- d. the time that the balance has been outstanding,
- e. the reasons why the balance has been outstanding, and
- f. any other factors relevant to the customer's service.

A settlement agreement to pay an outstanding past due balance on a bill does not relieve a customer from the obligation to pay future bills on a current basis.

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2. If the customer has entered into an installment plan pursuant to a settlement agreement the customer shall receive a statement of:
  - a. the actual service charges incurred for the current billing period,
  - b. the amount of the installment payment due,
  - c. the total amount due [i.e., the sum of (a) and (b)], and
  - d. an acknowledgment of previous installment payments.

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C. Failure to Comply with Settlement Agreements.

1. If a customer fails to comply with a settlement agreement, the Utility may discontinue service after notifying the customer by personal delivery of written notice or by first class mail that the customer is in default of the settlement agreement; stating the nature of the default; and stating that unless a payment which brings the settlement agreement current is made within seven (7) days from the date of notice, the Utility will discontinue service on a certain date.
2. Nothing in this section shall preclude the Utility and a customer from renegotiating the terms of a settlement agreement.

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**SFCWU POLICY NO. 22**

**COMPLAINT PROCEDURES**

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- A. Inquiries or complaints concerning the application or interpretation of rates, charges and regulations may be made to the Utility either in person, by telephone or in writing. The customer shall direct the initial inquiry or complaint to those persons designated by the Utility to resolve such complaints on behalf of the Utility. In the event that the customer is not satisfied with the action of the Utility representative, the customer may direct a written complaint to the Utilities Department Director. Written complaints received by the Utilities Department Director shall be fully investigated and the Utilities Department Director shall provide a written decision to the customer.

Any customer who does not file a written complaint with the Utilities Department Director within sixty (60) days of the decision or action of the Utility, which is the subject of the complaint, shall waive any right to contest the Utility's decision or action.

- B. Should the customer not be satisfied with the written decision of the Utilities Department Director, the customer may then appeal that decision to the BCC, and may request a hearing at one of the BCC's regularly scheduled public meetings.

Any customer who does not file a written appeal with the BCC within thirty (30) days of the date of mailing of the decision of the Utilities Department Director regarding the customer's written complaint shall waive any right to contest such decision.

The customer who submits a written appeal to the BCC shall be notified of the public meeting of the BCC at which the customer is to appear and present the complaint to the BCC for its consideration and review. The BCC may affirm or change the ruling of the Utilities Department Director. The BCC's shall state the details of its decision on the appeal in the official minutes of the public meeting.

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SFCWU POLICY NO. 23

WATER CONSERVATION POLICY

2676459

**A WATER CONSERVATION POLICY FOR ALL RESIDENTIAL AND NON -RESIDENTIAL CUSTOMERS OF THE SANTA FE COUNTY WATER UTILITY.**

**OUTDOOR CONSERVATION:**

1. Outdoor irrigation is prohibited between 11 AM to 7 PM from May through September of each year. The following sources and water and types of irrigation methods are exempt from the irrigation hour restrictions:

- A) Plants being irrigated for retail or wholesale sale,
- B) All manual watering by landscape maintenance and contracting personnel, however landscaping personnel setting timed irrigation systems must ensure that the systems comply with the irrigation hour restrictions,
- C) Any water derived through rainwater catchment systems or any permitted water re-use system, and
- D) Any water being used from an acequia or other agricultural irrigation system.

2. Vehicle washing is only allowed with the use of a shut-off hose nozzle.

3. An outdoor irrigation system may not be operated while a leak exists in the system.

4. Planting sod or grass seed that contains Kentucky bluegrass is not permitted.

5. All swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once per year.

6. Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.

**INDOOR CONSERVATION**

1. Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.

2. 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 (D), all existing water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by January 1, 2005. **Single and multi-family residential water users are exempt from this retrofit requirement.**

- a) 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) per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons shall not be used to satisfy this requirement.

SANTA FE COUNTY WATER UTILITY

2676460

- b) Urinals shall have an average water consumption of not more than 1.0 gallon of water per flush, with the exception that, if approved by Santa Fe County, blowout urinals may be installed for public use in stadiums, race courses, fairgrounds and other structures used for outdoor assembly and similar uses.
- c) 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.
- d) Self-closing, metering or self-closing 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. These faucets shall deliver no more than .25 gallons of water (1.0 liters) of water per use.
- e) 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.
- f) Water-conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.
- g) For all new and re-modeling construction, all of the requirements regarding water-conserving devices 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.
- h) All outdoor timed irrigation systems must be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained.
- i) Exceptions to the above requirements may be permitted when necessary to maintain adequate health and safety standards.

- 3. All private and public eating establishments shall provide water and other beverages only upon request. This policy shall be clearly communicated to the customer in at least one of the following manners: on the menu, by use of a "table tent" or single 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. The intent of this requirement is not to discourage the drinking of water but to discourage the washing of additional unnecessary glasses.
- 4. Lodging facilities shall not provide daily linen and towel changing for guests staying multiple nights unless the guest specifically requests each day that linens and towels be changed.

**CONSERVATION SIGNAGE AND LITERATURE DISTRIBUTION**

- 1. Public, semi-public and governmental restrooms 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 inches (8.5) by eleven (11) inches. Such entities may use a sign provided by Santa Fe County or develop their own sign using text provided by Santa Fe County.
- 2. Hotels, motels and other lodgings shall provide a water conservation informational card or brochure in a visible location in each guest room. Such literature may be provided by Santa Fe County or the establishment itself using text provided by Santa Fe County.
- 3. Retail plant nurseries shall provide their "end-use" customers with County provided low water-use landscape literature and water efficient irrigation guidelines at the time of sale of any perennial plant. 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

SANTA FE COUNTY PLUMBING PERMIT 06/27/2009

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their plants that require little or not supplemental water once established. For the sale of all turf or grass seed or sod, the customer shall be given County provided literature indicating the restrictions to planting water consumptive turf.

4. Landscape contractors, maintenance companies and architects shall provide their prospective clients with County-provided low water-use 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.

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

6. The County departments shall provide indoor and outdoor conservation literature to all persons applying for a building permit and all persons initiating new water service to the County Water Utility.

**WATER WASTE , FUGITIVE WATER**

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

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

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

Water waste does not include:

- a) Flow resulting from fire fighting or other routine inspection of fire hydrants or other training activities,
- b) Water applied to abate spills of flammable or otherwise hazardous materials,
- c) Water applied to prevent health, safety or accident hazards when alternate methods are not available,
- d) Water that reaches or flows onto adjacent property or public or private right-of-way when caused by vandalism, wind, emergencies or acts of God,
- e) Flow resulting from a routine inspection or maintenance of a water utility system,

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

**2. Fugitive Water** - Fugitive water means 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 feet square 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. Fugitive water also means, 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.

No person, firm, corporation, county, state, federal, municipal or other governmental facility or operation shall cause or permit the occurrence of fugitive water.

Fugitive water shall not include:

- a) Incidental run-off caused by vehicle washing provided that a shut-off nozzle is in use,
- b) Periodic draining of swimming pools and spas,
- c) Storm run-off, including snowmelt run-off,
- d) Flowing resulting from temporary water system failures or malfunctions,
- e) 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,
- f) Flow resulting from vandalism, high winds, emergencies and acts of God, or
- g) 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. Once a formal warning notice has been issued, the water user is instructed not to operate the faulty system until it is appropriately repaired, unless operating the system is integral to the operation of the facility. Once a warning notice has been issued, subsequent fugitive water events at the same location will be subject to issuance of citations.

**Enforcement and Penalties**

**1. Enforcement** - The Santa Fe County Utilities Department, the County Code Enforcement Officers, the Santa Fe County Sheriff's Department and the Santa Fe County Fire Department may enforce any and all of the County Water Conservation regulations. To the extent that the Board of County Commissioners may find it desirable to vest specific enforcement authority in other County personnel or other governmental agency, those individuals so vested shall also have the authority and responsibility to enforce regulations adopted County water conservation.

**2. Penalties**

- a) Any person who violates the provisions of this Policy shall be prosecuted in a court of competent jurisdiction and penalized to the maximum extent allowed by law.
- b) The following schedule of fines shall be used for violations of this Policy. All violations on a single date at a single address constitute a single offense for purposes of enforcement.

First violation.....\$50.00

SANTA FE COUNTY UTILITIES DEPARTMENT

Second violation .....\$100.00  
Third violation .....\$200.00  
Fourth violation and Subsequent violations.....\$400.00

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**SUBSEQUENT VIOLATIONS MAY RESULT IN DISCONNECTION OF SERVICE IN ACCORDANCE WITH SFCWU POLICY No. 9.**

SEC. CLERK RECEIVED 08/28/2008