



I Hereby Certify That This Instrument Was Filed for  
Record On The 23RD Day Of November, A D , 2004 at 13 25  
And Was Duly Recorded as Instrument # **1355913**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Rebecca Bustamante  
Deputy *Rebecca Bustamante* County Clerk, Santa Fe NM

# SANTA FE COUNTY

## *Ordinance No. 2004-7*

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### **ORDINANCE 2004-7 . AN ORDINANCE AMENDING ORDINANCE 2002.13 AN ORDINANCE ADDRESSING WATER CONSERVATION FOR ALL RESIDENTIAL AND COMMERCIAL USES OF WATER WITHIN SANTA FE COUNTY.**

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*BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS THAT THE  
ORDINANCE ADDRESSING WATER CONSERVATION FOR ALL RESIDENTIAL AND  
COMMERCIAL USES OF WATER WITHIN SANTA FE COUNTY IS HEREBY  
AMENDED AS FOLLOWS:*

#### **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.

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1 **B. THEREFORE CONCLUDES AND DECLARES:**

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

9  
10 **C. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
11 **COMMISSIONERS OF SANTA FE COUNTY:**

12 **The following water conservation requirements apply to all residents of**  
13 **Santa Fe County and all businesses operating within Santa Fe County at all**  
14 **times of the year.**

15  
16 **Outdoor Conservation**

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

38  
39 **Indoor Conservation**

- 40  
41 1. Water system leaks from private water lines shall be repaired by the owner or  
42 property manager within fifteen (15) days of initial notification by the County or the  
43 owner's knowledge of the leak. Proof of repair shall be provided to the County upon  
44 completion of the repair when such notification is requested.  
45 2. For all new and remodeling construction and all replacements of existing plumbing  
46 fixtures, the water conservation plumbing standards set out below shall be met. In

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

- 5
- 6 A) Water closets, either flush tank, flushometer tank or flushometer valve operated  
7 shall have an average consumption of not more than 1.6 gallons (6.1 liters) per  
8 flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6  
9 gallons shall not be used to satisfy this requirement.
- 10 B) Urinals shall have an average water consumption of not more than 1.0 gallon of  
11 water per flush, with the exception that, if approved by Santa Fe County, blowout  
12 urinals may be installed for public use in stadiums, race courses, fairgrounds and  
13 other structures used for outdoor assembly and similar uses.
- 14 C) Lavatory and kitchen faucets shall be equipped with aerators and shall be  
15 designed and manufactured so that they will not exceed a water flow rate of 2.5  
16 gallons (9.5 liters) per minute.
- 17 D) Self-closing, metering or self-closing faucets shall be installed on lavatories  
18 intended to serve the transient public, such as those in, but not limited to, service  
19 stations, train stations, airports, restaurants and convention halls. These faucets  
20 shall deliver no more than .25 gallons of water (1.0 liters) of water per use.
- 21 E) Shower heads shall be designed and manufactured so that they will not exceed a  
22 water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety  
23 showers are exempted from this provision.
- 24 F) Water-conserving fixtures shall be installed in strict accordance with the  
25 manufacturer's instructions to maintain their rated performance.
- 26 G) For all new and re-modeling construction, all of the requirements regarding water  
27 conserving devices shall be certified by a certificate of compliance by a licensed  
28 mechanical contractor or plumbing permittee before or at the time of the final  
29 plumbing inspection.
- 30 H) All outdoor timed irrigation systems must be equipped with a rain sensor so that  
31 the irrigation system does not operate when it is raining or has recently rained.
- 32 I) Exceptions to the above requirements may be permitted when necessary to  
33 maintain adequate health and safety standards.
- 34

- 35 3. All private and public eating establishments shall provide water and other beverages  
36 only upon request. This policy shall be clearly communicated to the customer in at  
37 least one of the following manners: on the menu, by use of a "table tent" or single  
38 signage on the table, or posting in a location clearly visible to all customers. All  
39 catering and banquet operations shall comply with the provisions of this subsection.  
40 The intent of this requirement is not to discourage the drinking of water but to  
41 discourage the washing of additional unnecessary glasses.
- 42 4. Lodging facilities shall not provide daily linen and towel changing for guests staying  
43 multiple nights unless the guest specifically requests each day that linens and towels  
44 be changed.
- 45

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1  
2 **Conservation Signage and Literature Distribution**  
3

- 4 1. Public, semi-public and governmental restrooms and shower facilities shall post not  
5 less than one (1) water conservation sign in each restroom and shower facility, the  
6 size of which shall not be less than eight and one-half inches (8.5) by eleven (11)  
7 inches. Such entities may use a sign provided by Santa Fe County or develop their  
8 own sign using text provided by Santa Fe County.  
9 2. Hotels, motels and other lodgings shall provide a water conservation informational  
10 card or brochure in a visible location in each guest room. Such literature may be  
11 provided by Santa Fe County or the establishment itself using text provided by Santa  
12 Fe County.  
13 3. Retail plant nurseries shall provide their "end-use" customers with County provided  
14 low water-use landscape literature and water efficient irrigation guidelines at the time  
15 of sale of any perennial plant. An "end-use customer" is the person or persons who  
16 will ultimately own the plant material. A landscape contractor or architect is not an  
17 end-use customer. In order to facilitate the purchasing of low water-use plants,  
18 nurseries are strongly encouraged to tag or sign their plants that require little or not  
19 supplemental water once established. For the sale of all turf or grass seed or sod, the  
20 customer shall be given County provided literature indicating the restrictions to  
21 planting water consumptive turf.  
22 4. Landscape contractors, maintenance companies and architects shall provide their  
23 prospective clients with County-provided low water-use literature and water efficient  
24 irrigation guidelines at the time of presenting a service contract to the prospective  
25 client. Landscape professionals are strongly encouraged to educate their customers  
26 regarding the operation of their timed irrigation systems.  
27 5. Title companies and others closing real estate transactions shall provide the entity  
28 purchasing a home, business or property with County-provided indoor and outdoor  
29 conservation literature at the time of closing.  
30 6. The County departments shall provide indoor and outdoor conservation literature to  
31 all persons applying for a building permit and all persons initiating new water service  
32 to the County Water Utility.  
33

34 **Domestic Well Use Metering Program**  
35

36 The domestic well metering program applies to only those residents of Santa Fe County  
37 living or operating businesses on lots where restricted water usage and water meter  
38 reporting requirements were voluntarily accepted as a condition of the plat approval. All  
39 other residents of the County are exempt from this program.  
40

- 41 1. All properties that are required to report water meter readings as a condition of plat  
42 approval shall have the name and address of the property owner entered into the  
43 database when the building permit is issued.  
44 2. The final inspection field report shall require that the water meter be installed in order  
45 for final inspection approval.  
46 3. All properties that are required to have water meters shall also be required to test their  
47 water meter for reading accuracy every ten (10) years and replace if necessary.

- 1 4. Each property that is required to report water meter reading will receive a mailing  
2 from Santa Fe County containing a post card that can be filled out with the meter  
3 reading and returned to Santa Fe County.  
4 5. Failure to submit the meter reading will result in the same penalties as outlined for  
5 other water violations.  
6 6. When water is used in excess of the amount allocated to the property, the first year a  
7 letter with educational/informational materials on how to reduce water use will be  
8 sent to the water user and they will be required to submit water meter readings every  
9 six months to track their progress. All subsequent water usage violations will result  
10 in the same penalties as outlined for other water violations.  
11

12 **Water Waste , Fugitive Water**

13  
14 1. **Water Waste**

15  
16 No person, firm, corporation, county, state, federal or municipal facility or operation  
17 shall cause or permit to occur any water waste. In general the occurrence of  
18 unforeseeable or unpreventable failure or malfunction of plumbing and irrigation  
19 system hardware shall not be deemed sufficient grounds for issuance of a citation or  
20 other enforcement proceedings unless and until the County issues a formal written  
21 notice.  
22

23 Water waste means any non-beneficial use of water. Waste includes but is not  
24 limited to leaks from indoor and outdoor plumbing systems in excess of 0.25 gallons  
25 per minute.  
26

27 For unforeseeable or unpreventable outdoor violations, the County shall generally  
28 issue a formal warning notice prior to taking enforcement action. Prior to taking  
29 formal enforcement action the County may instruct the water user not to operate the  
30 faulty system until it is appropriately repaired. If operating the system is integral to  
31 the operation of the facility the County may at its own discretion provide a period of  
32 time in which to remedy the violation prior to commencing formal enforcement  
33 action. Once a warning notice or an official citation has been issued for an outdoor  
34 occurrence, subsequent water waste events shall be subject to strict enforcement.  
35 Strict enforcement may include the issuance of citations and other such activities as  
36 the County deems necessary to bring the water user into compliance. For indoor  
37 water waste events and for those water waste events outdoors caused by a faulty  
38 system which is integral to the operation of the facility, the waste must be abated  
39 within 15 calendar days of the issuance of a warning notice or initiation of  
40 enforcement action. Enforcement action shall be taken if the waste continues beyond  
41 the 15-day period.  
42

43 Water waste does not include:

44  
45 A) Flow resulting from fire fighting or other routine inspection of fire hydrants or  
46 other training activities,

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- 1 B) Water applied to abate spills of flammable or otherwise hazardous materials,  
2 C) Water applied to prevent health, safety or accident hazards when alternate  
3 methods are not available,  
4 D) Water that reaches or flows onto adjacent property or public or private right-of-  
5 way when caused by vandalism, wind, emergencies or acts of God,  
6 E) Flow resulting from a routine inspection or maintenance of a water utility system,  
7 F) Water used by Santa Fe County in the installation, maintenance, repair or  
8 replacement of public facilities and structures such as traffic control devices,  
9 storm and sanitary sewer structures and road or street improvements,  
10 G) Water used by contractors or utilities including but not limited to sawcutting and  
11 pavement, compaction or other use required under terms of their contract,  
12 H) Any water that is discharged as a result of well development or a pumping test.

13  
14 **2. Fugitive Water**

15  
16 Fugitive water is prohibited. No person, firm, corporation, county, state, federal,  
17 municipal or other governmental facility or operation shall cause or permit the  
18 occurrence of fugitive water.

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

28  
29 Fugitive water shall not include:

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

2  
3 1. Enforcement

4  
5 The Santa Fe County Utilities Department, the County Code Enforcement Officers,  
6 the Santa Fe County Sheriff's Department and the Santa Fe County Fire Department  
7 may enforce any and all of the County Water Conservation regulations. To the extent  
8 that the Board of County Commissioners may find it desirable to vest specific  
9 enforcement authority in other County personnel or other governmental agency, those  
10 individuals so vested shall also have the authority and responsibility to enforce  
11 regulations adopted County water conservation.  
12

13 The following schedule of fines shall be used for violations of this Ordinance. All  
14 violations on a single date at a single address constitute a single offense for purposes  
15 of enforcement.  
16

17	First violation:	\$50.00
18	Second violation	\$100.00
19	Third violation	\$200.00
20	Fourth and all subsequent violations	\$300.00

21  
22 2. Penalties

23 Any person who violates the provisions of this Ordinance shall be prosecuted in a  
24 court of competent jurisdiction and penalized to the maximum extent allowed by law.  
25


26 3. Severability

27 The provisions of this Ordinance shall be severable. If, any provision of this  
28 Ordinance is ruled to be invalid by a court of competent jurisdiction:  
29

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

34  
35 **PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of November, 2004.  
36

37  
38 **BOARD OF COUNTY COMMISSIONERS**

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41   
42 \_\_\_\_\_  
43 Paul Campos, Chairman  
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**ATTEST:**

*Rebecca Bustamante*  
\_\_\_\_\_  
Rebecca Bustamante, County Clerk



*Stephen Ross*  
\_\_\_\_\_  
Stephen Ross, County Attorney

276 610PM 11/23/2004



SF COUNTY Land Use  
PO BOX 276

SANTA FE NM 87504-0276

Attn: Marti Chavez

ALTERNATE ACCOUNT: 73450

AD NUMBER: 00088854 ACCOUNT: 00002845

LEGAL NO: 75038 P.O. #: 500112

51 LINES 2 TIME(S) at 63.20

AFFIDAVIT: 5.50

TAX: 4.50

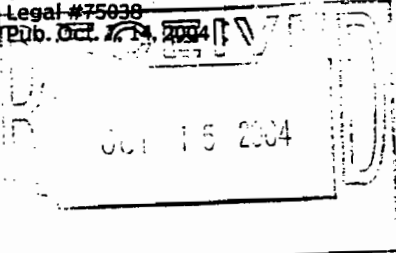
TOTAL: 73.29

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held to consider an Ordinance 2004- An Ordinance Amending Ordinance 2002-13 addressing water conservation for all residential and commercial uses of water within Santa Fe County to extend the deadline for commercial businesses to comply with indoor water conservation retrofits form January 1, 2005 to July 1, 2005, and to reduce the maximum violation penalty from \$400 to \$300.

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 21st day of October 2004, at 6 p.m. on a petition to the County Development Review Committee and on the 9th day of October 2004, at 5 p.m. on a petition to the Board of County Commissioners.

Please forward affidavit of publication to the County Land Use Administrator, P.O. Box 276, Santa Fe, New Mexico 87504-0276.



**AFFIDAVIT OF PUBLICATION**

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

I, B. Perner, 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 # 75038 a copy of which is hereto attached was published in said newspaper 2 day(s) between 10/07/2004 and 10/14/2004 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 7th day of October, 2004 and that the undersigned has personal knowledge of the matter and things set forth in this affidavit.

*B Perner*

/s/ \_\_\_\_\_  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 14th day of October, 2004

Notary *Janet L. Montoya*

Commission Expires: *12/30/07*

*PO 500112  
10-0505447037  
PARTIAL PAYMENT  
10/20/04*



**OFFICIAL SEAL**  
Janet L. Montoya  
NOTARY PUBLIC - STATE OF NEW MEXICO  
MY COMMISSION EXPIRES *12/30/07*

