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Title: City of Santa Fe Comprehensive Water Conservation Requirements
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Abstract

This ordinance is from the Santa Fe Code of Ordinances. It requires all new building to use “low flow” water conservation fixtures in bathroom and kitchen areas, also all residents must retrofit their homes to include these devices by Jan. 1, 2003. All eating establishments will provide water to customers only upon request. Outdoor irrigation is prohibited during the mid-day hours. Use of greywater (recycled water from sources other than the water closet or kitchen sink) is encouraged for landscaping purposes as in compliance with New Mexico state laws.

Resource

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 citizens, businesses, and governmental entities within the corporate limits of the city and all customers of the city water or wastewater utility wherever situated. Furthermore, all provisions of this chapter related to water surcharges, shall apply to all persons, customers,

and property served by the city water utility wherever situated. (Ord. #1997-17, §4; Ord. #2001-34, §1)

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, re-duction in water use provides the following benefits to the city and its citizens:

(1) Potential for reduction of individual residential and commercial cus-tomers' 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 as-sociated 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 entities 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. 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 water utility. Proof of re-pair shall be provided to the water utility 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 water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by January 1, 2003. Single and multi-family 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 (1.0 liters) 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 building inspector and the city engineer have the authority to permit exceptions to subsections [25-2.6B\(1\)](#) through [25-2.6B\(7\)](#) SFCC 1987 in any case necessary to maintain adequate health and sanitation standards.

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 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.

(Ord. #1997-17, §7; Ord. #2001-34, §3)

25-2.7 Outdoor Conservation.

A. *Outdoor Irrigating Periods.* The following requirements for outdoor irrigation of landscaping shall be in effect from May 1 through October 31 of each and every year. Outdoor irrigation is prohibited between 10:00 a.m. and 6:00 p.m. In addition, if water supply and

demand conditions indicate a need to manage demands more aggressively in a given year, the water division director may institute "odd-even" irrigation restrictions. Odd-numbered addresses may irrigate only on Tuesdays, Thursdays, and Saturdays. Even-numbered addresses may irrigate only on Wednesdays, Fridays, and Sundays. It is emphasized that most landscaping can remain healthy and attractive with much less frequent irrigating than the three (3) day per week allowance. For a location lacking an identifiable odd or even-numbered address, the owner or managing agent shall select an odd-even schedule to which it chooses to adhere provided the city water utility is so notified. A large irrigation user may designate a portion of its landscape area as "odd" and a portion as "even" if active use of the landscaping and/or water pressure limitations constrain the owner's ability to irrigate the entire landscaped area in either an odd or even day, provided the city water utility is so notified.

B. *Exemptions:*

(1) Water sources and irrigation methods. The following sources of water and types of irrigation methods and applications are exempt from the three (3) day per week outdoor irrigating restriction in paragraph A should the division director institute such restrictions. These sources and irrigation methods are not exempt from the time of day irrigation restriction.

- (a) Treated effluent applied by truck or other vehicle;
- (b) Water harvested from precipitation;
- (c) Grey water. Grey water is defined as household waste water other than from water closets and kitchen sinks;
- (d) The irrigation of outdoor plants which are in movable containers.

(2) Newly installed turf sod and seed. If the water division director institutes the odd-even irrigation restrictions, newly installed turf sod and seed shall be exempt from three (3) day per week irrigation restriction in paragraph A, above, for a sixty (60) day period after its purchase or installation. New turf shall not be exempt from the time-of-day irrigation restriction in subsection A. Plant nurseries and landscape contractors shall attach a city-provided notification of the sixty (60) day exemption and subsequent requirement to comply with paragraph A to the bill of sale. Citizens shall retain the notification and bill of sale during the sixty (60) day exemption period as proof of the exemption. The exemption is for newly installed turf sod or seed only and not for other new or existing landscaping.

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

(4) Landscape maintenance and contracting companies. All manual watering by landscape maintenance and contracting companies are exempt from paragraph A, above.

Landscape companies setting timed irrigation systems shall ensure that the systems comply with paragraph A.

(5) Street medians. Hand watering of landscaped medians is exempted from subsection A. The parks division shall make every effort to utilize treated effluent for median watering west of St. Francis Drive.

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

D. *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.

(Ord. #1997-17, §8; Ord. #2001-34, §4)

25-2.8 Water Conservation Bill Rebates and Surcharges.

The following water conservation water bill rebates and surcharges, as an overlay onto the existing water rate structure, shall begin with the first water bills rendered in May through the last water bills rendered in October. The "bill date" appearing on the water bill shall be considered the date the water bill is rendered. Twenty-eight (28) to thirty-two (32) days shall be considered a "regular billing period". For billing periods that are less than twenty-eight (28) days or exceed thirty-two (32) days, the point at which the first and second level surcharges are in effect shall be decreased or increased, respectively, by a prorated amount, assuming thirty (30) days as a "normal billing period."

A. Residential service.

(1) First level surcharge. For all metered usage above twelve thousand (12,000) gallons per regular billing period, the surcharge shall be two dollars and fifty cents (\$2.50) for every one thousand (1,000) gallons or portion thereof that is above twelve thousand (12,000) gallons. The first level surcharge shall terminate at a usage of twenty thousand (20,000) gallons per month.

(2) Second level surcharge. In addition to the surcharges levied by the first level surcharge, for all metered usage above twenty thousand (20,000) gallons per regular billing period, a surcharge of five dollars (\$5.00) per one thousand (1,000) gallons for every one thousand (1,000) gallons or portion thereof used above twenty thousand (20,000) gallons shall be established.

B. Small and large commercial service. A surcharge of one dollar (\$1.00) per one thousand (1,000) gallons or portion thereof on all metered water use is established.
(Ord. #1997-17, §9; Ord. #2001-26, §1)

25-2.9 Reserved.*

25-3 WATER WASTE.

25-3.1 Water Waste Prohibited.

No person, firm, corporation, county, state, federal, or municipal facility or operation shall cause or permit to occur any water waste, whether served by the city water utility or by a private well. In general the occurrence of an 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 city issues a formal warning notice.

For unforeseeable or unpreventable outdoor 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 in its discretion provide a period of time in which to remedy the violation prior to commencing formal enforcement action. Once a warning notice or an initial 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 such other actions as the city 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 fifteen (15) calendar days of the issuance of a warning notice or initiation of enforcement action. Enforcement action shall be commenced if the waste continues to occur beyond the fifteen (15) day period. (Ord. #1991-4, §13; Ord. #2001-33, §4)

25-3.2 Fugitive Water Flow Prohibited.

No person, firm, corporation, county, state, federal, or municipal or other government facility or operation shall cause or permit the occurrence of fugitive water. (Ord. #1991-4, §13; Ord. #2001-33, §5)

25-3.3 Exemptions.

A. *"Water Waste"* shall not include:

- (1) Flow resulting from firefighting or routine inspection of fire hydrants or from training activities.
- (2) Water applied to abate spills of flammable or otherwise hazardous materials.
- (3) Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available.

(4) Water which reaches or flows onto adjacent property or public or private right-of-way when caused by vandalism, wind, emergencies or acts of god.

(5) Flow resulting from a routine inspection or maintenance of the city water utility system.

(6) 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.

(7) Water used by contractors or utilities including but not limited to sawcutting of pavement, compaction, or other use required under terms of their contract.

B. "*Fugitive Water*" shall not include:

(1) Storm run-off, including snowmelt run-off, allowed under provisions of Article VIII SFCC 1987 14-90.4.

(2) Flow resulting from temporary city water utility system failures or malfunctions.

(3) 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.

(4) Flow resulting from vandalism, high winds, emergencies, and acts of god.

(5) 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. Once a formal warning notice has been issued, the water user is instructed to not 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. (Ord. #1991-4, §13; Ord. #2001-33, §6)

25-3.4 Administration of the Chapter.

The city manager and/or designee shall be responsible for the enforcement of this chapter. It may prescribe policies, rules, or regulations to carry out the intent and purposes of the chapter.

A. On determination by city staff that a violation of the chapter exists, any responsible party shall be issued a verbal and/or written warning by the city to abate the nuisance immediately. The public service company of New Mexico will be notified concurrently with this action.

B. After notification should any responsible party fail to abate the nuisance for any reason after one (1) hour, that party shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.). Each occasion this chapter is violated shall be considered a separate offense.

C. *Discontinuance of Water Service.* Upon verbal or written notification by city staff that a charge of violation of any of the provisions of this chapter has occurred and that the responsible party has failed to abate the nuisance after notification and charged of violation by the city for a misdemeanor pursuant to section [25-3.4](#) A and B, the public service company of New Mexico will be notified of the charge of violation. Upon receipt of such citation, the public service company of New Mexico may discontinue service pursuant to its rules and regulations as filed with the New Mexico Public Service Commission.

D. *Variances.* A variance may be issued by the city council provided that all options for abatement through modified water management have been exhausted. The variance may be issued for a period of not to exceed one (1) year and shall stipulate both corrective measures and a schedule for completion.
(Ord. #1991-4, §13)

25-3.5 Scope.

The preceding provisions on water waste and fugitive water shall apply to all water whether potable or effluent, and all citizens, businesses, and governmental entities within the corporate limits of the city and all customers of the city water or wastewater utility wherever situated.
(Ord. #2001-33, §7)