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25-1 GENERAL REGULATIONS.

25-1.1 Definitions.*

***Editor's Note:** Previous subsection 25-1.1 pertaining to the prohibition of leaky appliances and Code 1953, § 27-1; Code 1973, § 35-1 and SFCC 1981, § 4-14-1 was repealed and replaced by Ordinance No. 1991-4.

As used in this section:

Affordable housing means housing meeting the criteria for affordability as certified by the city's office of affordable housing including, but not limited to, housing opportunity program units, Santa Fe homes program units, low priced dwelling units as defined in Chapter XXVI SFCC, affordable units located in city sponsored projects.*

Applicant means the person or entity seeking to transfer water rights to the city's permit for dedication to a development in satisfaction of its water budget or for deposit in the city's water bank.*

Building means a structure or parts of a structure covered and connected by a permanent roof and intended for shelter, housing or enclosure. As defined here, a building may be attached to other buildings provided it is separated from other buildings by fire resistive construction.

City manager means the city manager of the city of Santa Fe or his designee.

Construction means any new residential, commercial or industrial construction and/or renovation, including but not limited to any townhouse, hotel, motel or commercial unit not completed or under construction on the effective date of this Ordinance.

Consumptive use water rights means that portion of the consumptive use amount determined by the office of the state engineer upon transfer that can be put to beneficial use by the city under an approved permit.*

Cool-season grass means grass species that have active growth between fifty (50) and eighty (80) degrees Fahrenheit, earlier germination, later dormancy and higher water requirements. Species include but are not limited to: Kentucky Bluegrass, Ryegrass, Tall Fescue and Bentgrass.

Development project means an application for a development or a phase of development for which an infrastructure financial guarantee has been posted requiring compliance with Section 25-12 SFCC 1987.*

Dwelling unit means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease and physically separated from any other rooms or dwelling units that may be in the same structure and containing independent cooking and sleeping facilities. A dwelling unit may include, but is not limited to, a single family house, an apartment unit, condominium unit, mobile home, or a guest house. It does not include a motel or hotel unit or similar transient lodging or rest homes, nursing homes or similar institutional facilities.

Effluent for purposes of this chapter means treated wastewater whether publicly or privately owned.

Excess water rights means water rights which have been designated for a particular development water budget but which would exceed the actual requirements of that development.*

Golf course means the turf area used primarily for golf that includes play areas such as greens, tees, fairways, and roughs.

Grey water means household wastewater other than from water closets and kitchen sinks.

Irrigation means the intentional application of water for purposes of sustained plant growth and/or optimized production.

Irrigation meter means an additional meter installed primarily for irrigation or other outdoor uses such as, but not limited to, pool or spa filling or vehicle washing.

Occasional flow means weekly residential or commercial applications of water for specific washing or cleaning purposes where the water specifically used for that purpose is monitored through the use of quick-acting positive shutoff hose nozzle by the responsible party and allowed to flow into adjacent property or public or private right-of-way or easement.

Private right-of-way means paved or unpaved streets, alleys, drainage or other private easements and lined or unlined drainage channels, which comprise or impact the local or municipal storm drainage system.

Public right-of-way means paved or unpaved streets, alleys, drainage, or other public easements and lined or unlined drainage channels, which comprise the municipal storm drainage system.

Responsible party means the owner, manager, supervisor, or person in charge of the property, facility or operation during the period of time the violation(s) are

observed.

Santa Fe watershed means that area owned by the city or the U.S. Forest Service lying east of the Santa Fe grant, maintained for the city's water supply.

Sports field means a turf area used primarily for organized sports such as football, soccer, baseball, etc.

Sub-meter means a device owned by the property owner and installed for the purpose of measuring the consumption of water for individual dwelling units as set forth in Rule 18 of Exhibit A, Chapter 25 SFCC 1987.

Transferor means a person or entity to which the city has issued a water transfer certificate following successfully transferred water rights to the city's permit and conveyance of water rights title to the city.*

Undesignated water rights mean water rights which have not been designated for credit on a development water budget.*

Warm season grass means grass species that have active growth above seventy (70) degrees Fahrenheit, later germination, earlier dormancy and less water required. Species include but are not limited to: Buffalo Grass, Blue Grama Grass, Zoysiagrass, St. Augustine Grass and Bermudagrass.

Wastewater for purposes of this chapter means the liquid and water carried waste or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions whether treated or untreated.

Water means water provided through any system through which the residents of the city receive their water or any extensions thereof over which the city has jurisdiction.

Water credit means a consumptive use water right that has been transferred to the city's permit, title to which has been conveyed to the city, and which is held in the city's water bank in the name of a transferor.*

Water service connection means the physical connection of a property to the city water system.

Water shortage means a condition wherein the real availability of the supply of water is less than the projected demand for water as defined by the city upon review of available data.

(Ord. #1991-4, §1; Ord. #2001-33, §1; Ord. #2003-25, §27; Ord. #2003-26, §2; Ord. #2005-2, §3; Ord. #2006-53, §§1,2; Ord. #2006-60, §5; Ord. #2009-38, §9; Ord. #2010-30, §1)

***Editor's Note:** The definitions affordable housing, applicant, consumptive use water rights, development project, excess water rights, transferor, undesignated water rights and water credit in Section 25-1.1 SFCC 1987 shall be effective on January 1, 2010.

25-1.2 Compliance with Chapter XXV.

All city water service customers shall comply with the provisions of Chapter XXV. SFCC 1987. (Ord. #2009-54, §1)

25-1.3 Compliance with Chapter 14.

A. Legislative Findings.

(1) The city has limited water supplies. Much of the city's water supply is dependent on annual precipitation, and in times of shortage or drought, this dependence can create significant variability in the seasonal and annual water supply available to the city and its water customers.

(2) The governing body has recognized through the adoption of different ordinances concerning water supply and demand that it needs to aggressively pursue available avenues for increasing the city's water supply.

(3) The governing body recognizes that it is in the best interest of the health, safety and welfare of all customers of the city's water system that the city continue to take steps necessary to: adopt water management policies that conserve and plan for enhancements to its supply and storage of water; accurately determine the level of demand on the city's water system; ensure that the current and future water needs and priorities of the city and its water customers are met; and ensure that legal obligations of the city in operating the city water system are met.

(4) The development of land has significant impacts on the city's overall water consumption and conservation as well as the city's water delivery system. Potential city water customers must comply with the city's development processes and code in order for the city to adequately plan for its water supply and delivery to all customers.

B. All applicants for city water service requiring a water service agreement or written contract as set forth elsewhere in this Chapter shall agree, as a matter of contract, that future development of the property shall require compliance with all provisions of Chapter 14 SFCC 1987 (Land Development). This provision shall apply to all agreements or contracts entered into after December 21, 2009.

C. Except for the requirements of Development Water Budgets, Section 14-8.13 SFCC 1987 and Early Neighborhood Notifications 14-3.1(F) SFCC 1987, this section does not apply to public post secondary educational institutions, as defined in, and for the express purposes found in, the Post-Secondary Educational Planning Act, Section 21-2-2 NMSA 1978.

(Ord. #2009-54, §2; Ord. #2012-3)

25-1.4 Enforcement.

A. The water division director and/or designee shall be responsible for the enforcement of this chapter. The director may prescribe policies, rules, or regulations to carry out the intent and purposes of the chapter.

B. Enforcement. There shall be five (5) modes of enforcement for enforcement of this chapter: payment of administrative fees; discontinuance of water service; prosecution of petty misdemeanors through the municipal court; injunctive relief in the district court; or determination of a public nuisance. All violations on a

single date at a single customer address shall constitute a single offense for purposes of enforcement of this chapter. However, if the city instructs the water user to cease the water use that is causing the violation and the water user fails to comply, the water user may be subject to double the administrative fees.

(1) Administrative fees. The following administrative fees shall be assessed for violations of the provisions in Chapter XXV by customers of the municipal water system, whether inside or outside the city limits. Fees shall be assessed on the customer's utility bill. Except as otherwise specifically set forth in this chapter, the fees within a calendar year shall be: twenty dollars (\$20.00) for the first violation at a given customer's address; fifty dollars (\$50.00) for the second violation at the same customer address; one hundred dollars (\$100.00) for the third violation at the same customer address, and two hundred dollars (\$200.00) for the fourth and each additional violation.

(2) Discontinuance of water service. When a violation of this chapter occurs, and the water division director or his or her designee determines that the specific circumstances of the violation are of such a serious nature as to require immediate measures and abatement, the director or designee may take steps to temporarily shut off the water source or discontinue the water service pursuant to a twenty-four (24) hour notice as set forth in Rule No. 9 of Exhibit A of this chapter.* The city may affect such measures by entry upon private premises if the water service or city water meter is located on private premises. Any violation which depletes the water available to the water system during a water emergency management implementation stage shall be deemed to deplete water essential to maintain fire flows and shall be cause for discontinuance of water service.

(3) Municipal court.

(a) For water users within the city limits but not a municipal water system customer, violations shall be a petty misdemeanor subject to prosecution in the municipal court.

(b) For municipal water system customers, depending upon the specific circumstances of the violation, the city may choose not to apply administrative fees and instead file a complaint in municipal court.

(4) Injunctive relief. In addition to any other relief, the city may seek injunctive relief in the district court and shall be entitled to reasonable attorney's fees and costs.

(5) Public nuisance. The city may, in addition to any other relief, seek to abate any violation that constitutes a public nuisance as set forth in Section 10-9 SFCC 1987. (Code 1953, §27-5; Code 1973, §35-5; SFCC 1981, §4-14-4; Ord. #2001-34, §3; Ord. #2003-25, §29; Ord. #2006-53, §3)

25-1.5 Reserved.*

25-1.6 Inspection.

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the city has probable cause to believe that there exists any condition which constitutes a violation of this chapter, the city may enter such premises at all reasonable times to inspect the same. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Code 1953, §27-6; Code 1973, §35-6; SFCC 1981, §4-14-6; Ord. #1991-4, §4; Ord. #2003-25, §31; Ord. #2006-53, §4)

25-1.7 Illegal Use of Hydrants or Connections to Water Sources.

It is unlawful to turn the water on or off at any hydrant or connection without permission from the owner of the hydrant or the fire department. (Code 1953, §27-7; Code 1973, §35-7; SFCC 1981, §4-14-7; Ord. #1991-4, §5)

25-1.8 Fluoridation of Water Supply.

A. The water supply of the city shall be fluoridated by the addition of sufficient fluoride ion to raise the concentration of fluoride ion reaching each customer to an optimal level on one (1) part per million parts of water. The fluoride ion level shall be maintained between a minimum of eight-tenths (.8) part per million parts and a maximum of one and two-tenths (1.2) parts per million parts of water.

B. The city shall monitor fluoride ion levels in representative sample locations at least once per month. (Ord. #1955-4, §§1, 2; Code 1973, §35-8; SFCC 1981, §4-14-8; Ord. #1991-4, §6; Ord. #2003-25, §32)

25-1.9 Santa Fe River Watershed; Prohibited Uses; Posting of Notices.

A. Trespassing, bathing, hiking, camping, fishing, hunting, picnicking, the grazing of all domestic livestock and unauthorized shooting, within the Santa Fe watershed are forbidden.

B. The properties of the water reservoir system owned by and under the control of the city of Santa Fe and the U.S. Forest Service shall be posted with notices warning all persons against violation of any of the ordinances of the city and county of Santa Fe, of the laws of the state of New Mexico, the United States government or any rules or regulations adopted pursuant thereto, which provide for the protection of any reservoir, or properties of the water impounding system.

C. All officials and employees of the city water utility of the city of Santa Fe are hereby vested with authority to enforce all laws, orders, rulings and regulations enacted for the protection of these waters and the properties pertaining thereto.

D. Any violation of this subsection or any violation of the rules and regulations jointly agreed on by the U.S. Forest Service and the governing body shall be punished as provided in Section 1-3 SFCC 1987. (Code 1953, §27-8; Code 1973, §35-9; SFCC 1981, §4-14-9; Ord. #1991-4, §7; Ord. #2003-25, §33)

25-1.10 Regulations for the Drilling of New Domestic Water Wells.

A. This subsection is enacted pursuant to the authority of NMSA 1978, Section 3-53-1.1 and Section 3-53-2 and the city's home rule powers under N.M. Constitution, Article X, Section 6.

B. No new domestic water wells shall be drilled within the municipal boundaries of the city of Santa Fe except pursuant to a domestic water well permit issued by the city's water division director.

C. An application for a city domestic water well permit may only be filed subsequent to approval of a state domestic water well permit issued by the state engineer pursuant to NMSA 1978, § 72-12-1.1. The city shall act upon all domestic water well permit applications for properties within the municipal boundaries within thirty (30) days of the request.

D. Subject to paragraph E. below, the domestic water well permit application shall be denied if the applicant's property is within the city's municipal boundaries and the nearest property boundary is within three hundred feet (300') of a water distribution line. Water service on said property shall be provided by the city within ninety (90) days of the denial of said permit application and subject to the city's standard charges and rate schedules. However, the domestic water well permit shall be issued if the city is unable to provide water service within the ninety (90) day period due to city ordinance, rules, regulations or actions, but due to no fault of the applicant.

E. If any applicant's total cost of connection to the water system, including costs incurred by extending the service line, purchasing a meter (not to include utility expansion charges or similar charges) and physically connecting to a residence is greater than the cost of drilling a new domestic water well, the domestic water well permit application shall be approved regardless of the property's distance from the city water distribution lines. The applicant is responsible for demonstrating the cost of drilling a domestic water well on the subject property and shall present to the city a written quote by a well driller licensed by the state of New Mexico. The city shall determine whether the bid and cost analysis submitted are reasonable. Upon completion of any well drilled under this exemption, the applicant shall not use any water from the well before a sworn affidavit by the well driller is submitted to, and accepted by, the city showing the actual costs of drilling the well. If the actual cost of drilling the well exceeds the total cost of connection to the city water system, the well shall be capped and the city shall provide water service to the property. All applicable fees and costs of connection shall be paid by the applicant.

F. For domestic water well permit applications approved within the municipal boundaries the following conditions shall be met:

(1) The well shall be metered to city specifications and monthly usage shall be recorded and reported annually to the city water division.

(2) In certain parts of the city, as delineated by the city water division, the well shall be drilled a minimum of fifty feet (50') into the Tesuque formation and a seal constructed to prevent the mixing of water between the Tesuque and Ancha formations.

(3) The well shall be constructed to standards established by the city of Santa Fe and shall be drilled by a licensed well driller.

(4) The well owner shall agree to dedicate a ten to twenty foot (10' - 20') wide easement along the necessary property lines for the installation of future infrastructure, as delineated by the city water division.

(5) The well owner shall be subject to all city ordinances and penalties governing the amount and usage of water extracted from domestic water wells as set forth in this chapter.

(6) The well owner shall be subject to subsection 14-8.12(F)(3) SFCC 1987, requiring the well owner to demonstrate that the water demand created by the use of the structures for which the domestic water well is sought will be entirely offset in accordance with the annual water budget procedures and subsection 14-8.13(F) prior to use of the well.

(7) The city may impose further conditions as necessary to implement the city's ordinances, to prevent waste and conserve the supply of water and for the public health, safety and general welfare of its citizens.

G. Any violation of this subsection shall be subject to penalties and enforcement as provided under this chapter.

H. The applicant may appeal the written decision of the city's water division director to the public utilities committee as set forth in Rule No. 22, paragraphs B, C, and D of Exhibit A of this chapter. * Any applicant aggrieved by the final decision of the governing body may appeal the decision to district court pursuant to the New Mexico rules of civil procedure and relevant statutes.

I. Staff shall report to the governing body within one (1) year on the operation of this ordinance, suggested improvements for monitoring and regulations. (Ord. #1999-3, §1; Ord. #2004-7, §1)

25-1.11 Properties Outside City Limits.

A. *Purpose.* The governing body has determined the following:

(1) The city is facing water planning issues in the region outside of the city municipal limits;

(2) The city is experiencing a regional drought and is actively implementing programs and policies to define the water supply and demand in the Santa Fe region;

(3) Existing customers of the city water system, as well as future customers, must have an adequate, safe and reliable water supply; and

(4) Regulations are necessary to limit the connection of city water services outside the city municipal limits.

B. *Definitions.* As used in this section:

Presumptive city limits is defined in the settlement agreement and mutual release of claims entered into by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008.

C. *Connection Prohibited.* Connection to the city's water system shall be prohibited outside the presumptive city limits except as set forth in this section.

D. *Existing Agreements.* Water service connections for which there is a valid, written agreement obligating the city to allow connection to the city's water system shall be reviewed by the city attorney and may be implemented by the water division director. Existing agreements also include the extension of the utility service area by approved ordinance.

E. *Property Owners.* This section shall apply to properties owned by private property owners as well as to properties owned by county, state or federal agencies to the extent allowed by law.

F. *Areas of Water Service.*

(1) Requests for water service connections submitted after October 29, 2008, (date of adoption of this Ordinance) for properties located entirely within the areas to be annexed, as defined in the settlement agreement and mutual release of claims entered into by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008, shall be processed in the same manner as requests for properties within the current city limits. This paragraph shall not apply to those requests described in paragraph D. above.

(2) Request for water service connections for properties outside the presumptive city limits including the Agua Fria traditional historic community and the county of Santa Fe fairgrounds shall be processed pursuant to paragraph I. below. For the purpose of meeting water utility regulatory requirements, new connections outside the areas described in this paragraph may be approved by agreement of the governing bodies of the city of Santa Fe and Santa Fe county.

G. *Affordable Housing.* Section 14-8.11 SFCC 1987 regarding the Santa Fe Homes Program shall apply.

H. *Conditions of Service.*

(1) Properties receiving city water service shall connect to the city's sewer system. If a property does not connect to the city's sewer system, the property shall not be connected to the city's water system.

(2) Water service approved under this section shall be only for the specific use and amount for which the application was approved.

(3) The property owner shall disconnect and abandon all existing wells according to the rules and regulations established by the water division. Proof of compliance with such rules and regulations shall be submitted to the water division within thirty (30) days of connection to the city's water system.

(4) The property owner and all future owners of the property obtaining city water service under this section shall be required to pay all applicable rates, charges and fees for city water service.

(5) Requirements set forth in Chapters 14 and XXV SFCC 1987 and all other rules and regulations pertaining to the use of the city's water service are also a condition of service.

(6) The property owner shall be required to bring water rights or retrofits pursuant to Section 14-8.13 SFCC 1987.

(7) The property owner shall agree not to join the Agua Fria traditional historic community.

I. *Water/Wastewater Review Team.*

(1) All applications for city water service connections for properties outside the presumptive city limits shall be reviewed by the water/wastewater review team (WWRT). The team shall meet regularly and shall be made up of city and county staff from the water division, the wastewater division, the city attorney's office, the county attorney's office, the land use departments and the office of affordable housing. The team shall evaluate the completeness of the application and its compliance with this section. Applications shall include the following:

- (a) A map of the proposed project in relation to the existing city limits and the presumptive city limits;
- (b) A detailed description of the proposed development including the type and size of proposed land uses;
- (c) The health, safety, public welfare or other legal reason for the connection;
- (d) A site water budget;
- (e) Documentation from the county of Santa Fe that county water service is not available;
- (f) Documentation from the wastewater division regarding sewer availability; and
- (g) A certified Santa Fe Homes Proposal as set forth in Section 14-8.13 SFCC 1987 if applicable.

(2) If the WWRT finds the connection feasible and the legal reasons compelling, it shall submit a report to the public utilities committee of the city, the governing body and the board of county commissioners for consideration of an agreement between the city of Santa Fe and Santa Fe county pursuant to Section 2.m. of the settlement agreement and mutual release of claims entered into by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008.

J. *Water Service Agreement.* The property owner shall enter into a water service agreement with the city prior to obtaining city water service under paragraph F. (1) of this section. The applicant shall agree to not oppose the annexation of the property upon the request of the city in accordance with the applicable regulations regarding such annexations. The agreement shall be reviewed and approved by the city attorney's office and the water division director. The document, which includes a legal description of the property, shall apply to the property and all future owners and shall be recorded at the county clerk's office and retained at the city clerk's office. No connection to the city's water system shall be provided until a copy of the recorded document is provided to the water division director. The requirement to agree to not oppose the annexation of the property shall not apply to property located entirely within the boundary of the Agua Fria traditional historic community.

(Ord. #1999-42, §10; Ord. #2003-25, §34; Ord. #2005-30(A), §27; Ord. #2006-60, §6,7; Ord. #2007-45, §30; Ord. #2008-53, §3)

25-1.12 Annual Water Budget Applicability.

The annual water budget is established as set forth in subsection 14-8.13 SFCC 1987 and shall apply accordingly. (Ord. #2003-36, §15)

25-2.1 Short Title.

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

25-2.2 Purpose.

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

25-2.3 Scope.

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

25-2.4 Declaration of Policy.

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

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

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

25-2.5 Conservation Signage and Literature Distribution.

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

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

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

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

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

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

- (1) All persons applying for a building permit from the permit and development review division.
- (2) All customers initiating new water service from the city water division.

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

25-2.6 Indoor Conservation.

A. Minor water system leaks, as determined by the city, from private water lines shall be repaired by the owner or property manager within fifteen (15) days of initial notification by the water division or utility billing section. A severe leak, as determined by the city, shall be repaired immediately. Failure to do so may

result in discontinuation of service as set forth in Rule 9, Exhibit A of Chapter XXV SFCC 1987*. Proof of repair must be provided to the water division or utility billing section upon completion of the repair.

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

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

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

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

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

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

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

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

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

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

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

D. *Lodging Restrictions.* Lodging facilities shall not change the sheets and towels more than once every four (4) days for guests staying more than one (1) night unless there is a justified public health reason. Guests shall be informed of this requirement in writing at the time of check-in. (Ord. #1977-17, §7; Ord. #2001-34, §3; Ord. #2003-31, §1; Ord. #2006-53, §6)

25-2.7 Outdoor Conservation.

A. *Outdoor Irrigating Periods.* Outdoor irrigation is prohibited between 10:00 a.m. and 6:00 p.m. from May 1 through October 31. It is recommended that outdoor irrigation be limited to no more than three (3) days per week, recognizing that low-water use plants and native vegetation require less irrigation. The use of grey water meeting applicable standards or water harvested from precipitation is encouraged.

B. *Exemptions:*

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

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

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

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

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

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

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

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

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

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

H. *Authority to Permit Exceptions.* The city water division director has the authority to permit exceptions to this subsection provided the water conservation objective is not compromised.
(Ord. #1997-17, §8; Ord. #2001-34, §4; Ord. #2003-12, §1; Ord. #2006-53, §7)

25-2.8 Reserved.*

25-2.9 Turf Restrictions.**

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

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

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

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

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

C. As appropriate, violations of this section shall be considered a misdemeanor punishable as set forth in Section 1-3 SFCC 1987. In addition, the city may discontinue water service following a twenty-four (24) hour notice as set forth in Rule No. 9 of Exhibit A, Chapter XXV SFCC 1987* or pursue enforcement of these specific performance requirements in an appropriate court of law.
(Ord. #2003-28, §3)

25-2.10 Reserved.*

25-2.11 Other Water Conservation Programs.

The governing body may adopt other water conservation programs, including but not limited to, rebates or vouchers for water saving devices. Such programs shall be adopted by resolution and shall not exceed funds allocated by the governing body each fiscal year. No water user shall be eligible for both a rebate or voucher and a retrofit credit for any specific water saving device. (Ord. #2003-29, §2)

25-2.12 Domestic Water Leak Repair Loan Program.

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

(1) The city has limited water resources especially in years of drought;

(2) The city of Santa Fe encourages the community to conserve water in various ways;

(3) Leaking toilets, leaking water service lines, and leaking fixtures may account for a significant portion of residential water consumption; and

(4) The costs associated with water leak repair can prove discouraging or prohibitive for many residential water customers.

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

(1) The loan recipient shall be a residential customer of the city water system;

(2) Loans are available on a first come, first serve basis until all dedicated funds are expended;

(3) Each city water customer shall be limited to a one-time loan;

(4) The loan recipient shall be solely responsible for employing and settling with the leak repair contractor;

(5) The contractor performing repair work shall be licensed in New Mexico for residential plumbing;

(6) The city does not warrant, endorse, or assume liability for the quality or performance of the repair performed;

- (7) The loan amount shall be within the city's adopted range;
 - (8) The loans shall be extended at zero percent interest;
 - (9) The loans shall be repaid according to established terms including minimum monthly payments and penalties for nonpayment;
 - (10) The city may file a lien in the amount of the loan on the property for which the loan is applied for. The city may assess a fee for the placement of the lien. The lien shall be removed upon full loan repayment;
 - (11) The amount of the lien shall be increased by eighteen percent (18%) per annum in the event that the loan is not repaid in the agreed upon time period;
 - (12) The loan recipient shall agree to allow the city access to inspect the premises in order to verify repair;
 - (13) Loans for leak repair shall comply with city program guidelines as adopted.
- C. The total of all loans shall not exceed the amount appropriated by the governing body each fiscal year.
- D. A tracking mechanism shall be utilized to evaluate the cost and water savings of the leak repair program. The water conservation committee shall annually evaluate the program's effectiveness and propose program improvements. This information shall be reported annually to the governing body.
(Ord. #2004-15, §1)

25-3 WATER WASTE.

25-3.1 Applicability.*

- A. Section 25-3, regarding water waste, shall apply to the following:
- (1) All water customers of the city water system whether located within the city limits or not;
 - (2) All city effluent customers whether located within the city limits or not;
 - (3) All customers of the city waste water system whether located within the city limits or not; or
 - (4) All private well users located within the city limits.

B. The use of the word water in Section 25-3 shall mean potable water, stormwater, grey water and effluent.
(Ord. #2006-53, §11)

25-3.2 Wasting Water Prohibited.*

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

- (1) The pumping, flow, release, escape, or leakage of any water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten (10) square feet in size or cause flow along or off of the hard surface or onto adjacent property or the public right-of-way, arroyo, or other water course, natural or manmade;
- (2) During the irrigation of landscaping, the escape or flow of water away from the landscaping plants being irrigated even if such flow is not onto a hard surface; or
- (3) The nonbeneficial use of water including, but not limited to, leaks to indoor and outdoor plumbing system (faucets, hose bibs, showerheads, toilets, etc.) in excess of 0.25 gallons per minute. Residential water users, both single family and multifamily are exempt from the indoor plumbing aspect of this restriction.

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

- (1) The incidental runoff caused by vehicle washing provided that a shut-off-nozzle is used;
- (2) The periodic draining of swimming pools and spas;
- (3) Flow resulting from temporary city water system failures or malfunctions;
- (4) Water applied, such as in the cleaning of hard surfaces, to prevent or abate public health, safety, or accident hazards when alternate methods are not available. The washing of outdoor eating areas and sidewalks is not included in this exemption;
- (5) Flow resulting from vandalism, high winds, emergencies, and acts of God;
- (6) The occurrence of an unforeseeable or unpreventable failure or malfunction of plumbing or irrigation system hardware, prior to the issuance of a formal warning notice issued to the water user as set forth in subsection 25-1.4 SFCC 1987;
- (7) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities;
- (8) Water applied to abate spills of flammable or otherwise hazardous materials;
- (9) Flow resulting from a routine inspection or maintenance of the city water system;
- (10) Water used by the city of Santa Fe in the installation, maintenance, repair or replacement of public facilities and structures including but not limited to traffic control devices, storm and sanitary sewer structures and road or street improvements; or

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

25-3.3 Warnings.

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

25-3.4 Reserved.*

25-3.5 Reserved.*

25-4 SANTA FE MUNICIPAL WATER SYSTEM.

The purpose of this section is to adopt rules and regulations and rates governing the operation of the Santa Fe municipal water system and providing for certain procedures with respect to the water system. (Ord. #1995-19, §1)

25-4.1 Rules and Regulations Adopted.

Rules and regulations governing water service by the Santa Fe municipal water system are hereby adopted by reference and incorporated as part of this chapter as Exhibit A.** (Ord. #1995-19, §1; Ord. #2005-2, §5-11; Ord. #2006-53, §36; Ord. #2010-5, §1; Ord. #2011-13, §1)

25-4.2 Rates and Charges Adopted.

A. Rates and charges related to water service by the Santa Fe municipal water system are hereby adopted by reference and incorporated as part of this chapter as Exhibit B. **

****Editor's Note:** The exhibits referred to herein may be found at the end of this chapter.

B. The water division director may approve an adjustment to the rate schedule set forth in Exhibit B, located at the end of this chapter, as follows:

- (1) Only commercial customers with meters that are one (1") inch or less may apply.
- (2) The customer shall submit an application by May 12, 2010 (thirty (30) days from the effective date of this amended subsection), to the water division demonstrating:
 - (a) That there are unique circumstances regarding the type of business resulting in water delivered to the applicant from the city's water distribution system being a substantial part of the finished product and/or service offered by the applicant at the service address in question.
 - (b) That the customer's previous water use exceeded the established Tier I allotment for the applicant's meter size by at least ten percent (10%) in each of the preceding twelve (12) months; and
 - (c) That the customer has made a reasonable attempt to minimize water use and eliminate water waste.
- (3) Upon receipt of an application staff shall:
 - (a) Review the application;
 - (b) Conduct an inspection of the customer's service address to evaluate the extent of the customer's conservation efforts and to verify the efforts claimed by the customer in the customer's application. Staff shall evaluate customer's water conservation efforts based on the following criteria:
 - (i) The customer has installed certified low-flow fixtures, appliances, equipment, and devices such that eighty percent (80%) of all fixtures, appliances, equipment, and devices at the service address are low-flow, consistent with Uniform Plumbing Code and industry standards.
 - (ii) Customer fixtures as well as primary service connection at the meter are free of leaks.
 - (iii) Any irrigation equipment located at the service address is equipped with rain-gauge cut offs, smart controllers, or other similar technology to prevent irrigation when such irrigation is unnecessary due to favorable weather conditions.
 - (iv) Water processing equipment or processes at the customer's service address are free of leaks, including water lost to evaporation.
 - (c) Review the customer's previous twelve (12) month water use history and costs to determine if usage has exceeded the Tier I allotment by ten percent (10%) or more for the entire previous twelve (12) months.
 - (d) Compare the customer's water demand with the water division's engineering criteria to determine if a larger size meter is appropriate.
 - (e) Present a written recommendation to the water division director regarding the options set forth in paragraph (4) below.

(4) The water division director may decide one of the following options:

(a) A change in the actual meter is not warranted, but rather a rate adjustment is appropriate establishing a commercial water rate eliminating the high water use charge; or

(b) A change in the meter is warranted and the corresponding rate change with all applicable fees shall be paid; or

(c) A change in the meter is warranted with all applicable fees paid with a rate adjustment eliminating the high water use charge; or

(d) No rate adjustment is warranted because:

(i) The customer has not met the criteria provided for in paragraph (3)(b) to minimize water use and eliminate water waste; or

(ii) The customer's usage does not exceed the established Tier I allotment by ten percent (10%) or more for each of the previous twelve (12) months.

(e) No meter change is warranted because the customer's water demand does not exceed the water division's engineering criteria.

(5) If a rate adjustment is approved, staff shall monitor the customer's water use and water conservation efforts and if the water use is not consistent with the initial application, recommend to the water division director revocation of the adjusted rate.

(6) Appeals of decisions of the water division director may be heard by the public utilities committee as per Rule 22. Customer Complaint Procedures of Exhibit A located at the end of this chapter.

(Ord. #1995-19, §1; Ord. #2000-01, §1; Ord. No. 2001-11, §1; Ord. #2002-24, §4; Ord. #2004-18, §1; Ord. #2004-29, §1; Ord. #2005-2, §§12-16; Ord. #2006-53, §§37-43; Ord. #2007-40, §15; Ord. #2008-7; Ord. #2009-2, §1; Ord. #2010-6, §1)

25-4.3-25-4.9 Reserved.***

25-5 WATER EMERGENCY MANAGEMENT PLAN.*

25-5.1 Short Title.

This section may be cited as the Water Emergency Management Plan Ordinance. (Ord. #2006-53, §19)

25-5.2 Purpose.

The purpose of this section is to provide the city the means to implement measures for controlling water use in response to water-system-related emergencies or water emergencies due to catastrophic events or prolonged drought that may disrupt systems operations or the sources of water supply. (Ord. #2006-53, §20)

25-5.3 Policy.

Because of the conditions prevailing in the city of Santa Fe, the general welfare requires that the city maximize the beneficial use of its available water resources to the extent to which it is capable, and that the conservation of water is to be practiced with a view to the reasonable and beneficial use thereof and to avoid waste or unreasonable use, in the interest of the citizens of the city of Santa Fe and for the public health, safety and welfare. (Ord. #2006-53, §22)

25-5.4 Declaration of Water Emergency.

The city manager is authorized to determine and declare that a water emergency exists in any and/or all parts of the city or county of Santa Fe that is served by the city water system if any of the following occur:

A. The water division director reports the occurrence of any of the following:

(1) A general water supply shortage due to increased demand or limited supply;

(2) Distribution or storage facilities of the city water system are inadequate to meet demand or minimum quality standards; or

(3) A disruption of the supply, storage, or distribution facilities of the city water or wastewater systems.

B. An unforeseeable disaster or water emergency such as an earthquake, or other catastrophic event affecting the Santa Fe or Rio Grande river watershed, or groundwater supply, or other major disruption in the water supply.

C. A foreseeable water emergency, such as extended drought conditions.

(Ord. #2006-53, §24)

25-5.5 Water Emergency Management Plan.

There is established a city of Santa Fe water emergency management plan that shall apply to all water customers of the city water system whether located within the city limits or not and to all private well users located within the city limits.

A. *Regulations, Rules and Conditions.* Upon the determination that a water emergency exists, the city manager is authorized to promulgate such

regulations, rules and conditions relative to the time of using water, the purpose or purposes for which it may be used, and such other necessary limitations as will, in the city manager's opinion, relieve the water shortage in any such section or sections of the water service area.

B. *Water Emergency Implementation Stages.* In addition to the regulations, rules and conditions set forth in subsection 25-5.5A SFCC 1987, the city adopts the following water emergency implementation stages. The water use restrictions and fines of each stage apply to all higher stages unless the higher stage has a more stringent requirement. At no time shall water be wasted or used unreasonably.

(1) "Water Warning - Orange" implementation stage is incorporated into Chapter XXV SFCC 1987 as Exhibit "C"; and

(2) "Water Crisis - Red" implementation stage is incorporated into Chapter XXV SFCC 1987 as Exhibit "D".*

(Ord. #2006-53, §§ 26, 44, 45; Ord. #2011-38, §§ 1, 2)

***Editor's Note:** Exhibit C and D, referred to herein, may be found at the end of this chapter.

25-5.6 Implementation of Water Emergency Management Plan.

A. Upon the city manager's determination and declaration that a water emergency exists as set forth in subsection 25-5.4 SFCC 1987, the city manager shall determine which provisions of the water emergency management plan are necessary to implement in order to protect the public health, safety and welfare and to prudently plan and supply water to the city water system's customers.

B. Upon the city manager's determination that implementation of the water emergency plan is necessary, the city manager is authorized and directed to implement the provisions of the water emergency management plan, as follows:

(1) The city manager may implement the promulgation of rules, regulations and other conditions relative to the time of using water, the purpose or purposes for which it may be used, and such other necessary limitations as will, in the city manager's opinion, relieve the water shortage in any such section or sections of the water service area; and

(2) The city manager is authorized to implement the "Water Warning-Orange" water emergency implementation stage as shown on Exhibit "C" or the "Water Crisis - Red" water emergency implementation stage as shown on Exhibit "D" at the end of this chapter;

C. If the severity of a water emergency lessens, the city manager may, upon recommendation of the water division director, rescind or lower the water emergency implementation stage.

D. Depending upon the nature of the water emergency in order to protect the health, safety and welfare of the citizen's of Santa Fe and to protect public and private property, the governing body may upon a majority vote of those present adopt temporary water rate surcharges above those rates set forth in Exhibit B of this chapter.*

(Ord. #2006-53, §28)

25-5.7 Water Emergency Management Plan Applications.

A. The water division director shall provide data, comparing the operational water system supply to the operational water system demand, to the city manager by April 15 of each year or as necessary to determine the appropriate water management plan.

B. If the operational water system supply as determined by the water division director's sole discretion, equals between eighty percent (80%) and ninety-nine percent (99%) of operational water system demand, the city manager may declare a "Water Warning - Orange" water emergency implementation stage. If the operational water system supply as determined by the water division director's sole discretion, is less than eighty percent (80%) of operational water system demand, the city manager may declare a "Water Crisis - Red" water emergency implementation stage.

C. For purposes of determining the appropriate water emergency implementation stage, operational water system supply is defined as the sum of the following sources of supply according to the administrative procedures established by resolution of the governing body:

(1) Canyon Road treatment plant;

(2) City wells;

(3) Buckman wells; and

(4) Buckman direct diversion treatment plant.

D. For the purposes of determining the appropriate water emergency implementation stage, the operational water system demand shall be determined according to the administrative procedures established by resolution of the governing body and in a manner consistent with the Long Range Water Supply Program upon its adoption.

E. The administrative procedures for determining the operational water system supply and demand shall be available at the city's water division.

(Ord. #2006-53, §30)

25-5.8 Announcement and Publication of Water Emergency Management Plan.

Upon the implementation of the water emergency management plan as set forth in subsection 25-5.6 SFCC 1987, the city shall give public notice by public announcement and by publishing a notice giving the extent, terms and conditions respecting the use and consumption of water a minimum of once a day for three (3) consecutive days in a daily newspaper of general circulation in Santa Fe. The provisions of the water emergency management plan to be implemented shall become effective immediately upon public announcement. Upon such public announcement and publication of notice, proper notice shall be deemed to have been given to each customer of the city water system or other party affected by the water emergency management plan. (Ord. #2006-53, §32)

25-5.9 **Reserved.***

25-5.10 **Reserved.***

25-5.11 **Reserved.****

25-5.12 **Reserved.*****

25-5.13 **Regulation of Domestic Wells.**

All domestic wells within the jurisdiction of the city of Santa Fe shall be governed by this section as authorized by §§3-53-1 and 3-53-2 NMSA 1978. (Ord. #1996-20, §13; Ord. #2000-30, §13)

25-5.14 **Reserved. ******

25-6 **SAFE DRINKING WATER AND SOURCE-WATER PROTECTION.******

25-6.1 **Title.**

Section 25-6 may be cited as the Safe Drinking Water and Source-Water Protection Ordinance. (Ord. #2005-4, §2)

25-6.2 **Legislative Findings; Purpose.**

A. Pollution of the city's drinking water supply constitutes a menace to public health, safety and welfare.

B. Pollution of the city's drinking water supply is harmful to the environment and impairs domestic, commercial, industrial, recreational and other beneficial uses of water resources.

C. Pollution of the city's drinking water supply creates a public nuisance.

D. The purpose of this section is to prohibit the discharge of any pollutant to the ground surface or the subsurface in order to protect, preserve, maintain and conserve existing and future potable well water supplies and source-water resources.

E. This section together with Section 13-2 SFCC 1987 serves to implement the relevant and applicable policies, principles and standards inherent in federal legislation and state policy pertaining to source-water protection.
(Ord. #2005-4, §3)

25-6.3 **Definitions.**

For the purpose of this section, the following definitions shall apply:

Abate means to bring to a halt, eliminate or, where that is not possible or feasible, to suppress, reduce, or minimize.

Best management practices means the best combination of structural and nonstructural facility management practices and controls working together to reduce impairments to water quality. Structural practices may include the construction of diversions, sediment basins, terraces, etc. Nonstructural practices include the manner in which resources and facilities are selected, designed, implemented, maintained and managed.

City means the city of Santa Fe.

Clean Water Act means the federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

Hazardous material means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Pollutant means anything which causes or contributes to pollution to the surface or groundwater. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil, anti-freeze, and other automotive fluids; nonhazardous liquid and solid wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing or remodeling a building or structure (including but not limited to sediments, slurries, mud, plasters, and concrete rinsates); and noxious or offensive matter of any kind.

Pollution means the human-made or human-induced degradation of the water quality by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the source water used by the city for beneficial uses or the facilities which serve these beneficial uses.

Premises means any lot or combination of contiguous lots held in single ownership and the buildings, structures or other appurtenances thereon.

Source-water pollutant discharge means the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a substance containing pollutants in a

location and manner where there is a reasonable probability that the discharged substance will reach surface or subsurface water, including, but not limited to, such discharges onto the ground surface, into the ground, into a well, or into a water source that cause or contribute to a violation of local, state or federal water quality standards. Source-water pollutant discharges do not include illicit discharges into the city's stormwater system which are regulated by Section 13-2 SFCC 1987. (Ord. #2005-4, §4)

25-6.4 Responsibility for Administration.

The city shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the city may be delegated in writing by the city to persons or entities acting in the beneficial interest of or in the employ of the city. (Ord. # 2005-4, §5)

25-6.5 Prohibition of Source-Water Pollutant Discharges.

A. No person shall discharge or cause to be discharged any direct or indirect source-water pollutant discharge as defined in subsection 25-6.3 SFCC 1987.

B. Discharges into the city's stormwater system regulated by Section 13-2 SFCC 1987 are specifically excluded from this section.

C. The prohibition shall not apply to any discharge permitted under a proper federal or state permit, waiver, exemption or order provided that the discharger is in full compliance with all requirements of the permit, waiver, exemption, or order and other applicable laws and regulations. If requested, a copy of said permit, waiver, exemption, or order shall be provided to the city within ten (10) days of request.

(Ord. #2005-4, §6)

25-6.6 Requirement to Notify the City of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that results or may result in source-water pollutant discharges in violation of subsection 25-6.5 SFCC 1987, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such discharge. In the event of such a discharge of a hazardous material said person shall immediately notify emergency response officials of the occurrence. In the event of a release of nonhazardous materials, said person shall notify the city's public utility department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. As a result of notice the city may seek remedies identified in subsections 25-6.7–25-6.13. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city's public utility department within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. #2005-4, §7)

25-6.7 Authority to Inspect.

Whenever necessary to make an inspection to enforce any provision of this section, or whenever the city has probable cause to believe that there exists any condition which constitutes a violation of this section, the city may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to source-water pollutant discharge compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. #2005-4, §8)

25-6.8 Authority to Sample, Establish Sampling Devices, and Test.

During any inspection as provided herein, the city may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. In the event the owner or occupant denies permission to sample, establish sampling devices, and test, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such samples, sampling devices, or tests. (Ord. #2005-4, §9)

25-6.9 Requirement to Eliminate Source-Water Pollution Discharges.

The city may require by written notice that a person responsible for a source-water pollution discharge immediately, or by a specified date, discontinues the discharge and, if necessary, implement best management practices, to eliminate the source of the discharge to prevent the occurrence of future source-water pollution discharges. Best management practices shall be as outlined by the city's safe drinking water and source-water protection administrative regulations and procedures adopted by resolution of the governing body. The city shall make available to the public the safe drinking water and source-water protection administrative regulations and procedures. (Ord. #2005-4, §10)

25-6.10 Violations; Penalties, and Enforcements.

A. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of the Source-Water Protection Ordinance. Each day the violation continues shall be considered a separate offense.

B. Whenever the city finds that a person has violated or is violating a requirement of the section, the city may:

(1) Issue a written notice of violation;

(2) File a citation in municipal court as set forth in Section 1-3 SFCC 1987;

(3) Commence a civil action in district court for appropriate relief, including injunctive relief;

(4) Determine that the violation is a threat to public health, safety, and welfare and is therefore declared a nuisance, and as such may be abated as

set forth elsewhere in this Code.

C. A notice of violation shall state with reasonable specificity the nature of the violation and set forth a deadline for correction of the violation pursuant to the requirements set forth in the notice. The notice shall further advise that, should the violator fail to correct the violation pursuant to the requirements, the city will take any and all measures necessary to abate the violation and and/or restore the property and the expense thereof shall be charged to the violator pursuant to subsection 25-6.12 SFCC 1987.

(Ord. #2005-4, §11)

25-6.11 Abatement by City.

If after the notice is issued, the violation has not been corrected pursuant to the requirements set forth in said notice, the city or a contractor, designated by the city, shall request permission to enter upon the subject private property and if granted, is authorized to take any and all measures necessary to abate the violation and/or restore the property. In the event the owner or occupant refuses entry after a request to enter and abate has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. #2005-4, §12)

25-6.12 Charging Cost of Abatement/Liens.

Within thirty (30) days after abatement of the violation by the city, the city shall notify the owner of the property of the cost of abatement, including administrative costs. If the amount due is not paid within ten (10) days, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The city may assess a fee for the placement of the lien. (Ord. #2005-4, §13)

25-6.13 Exigent Circumstances Abatement.

The city, pursuant to its police powers, is authorized to require immediate abatement of any violation of this section that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the city, the city and/or its agents are authorized to enter onto private property and to take any and all measures required to remediate the violation for the protection of the community. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the city from seeking other and further relief authorized under this section. (Ord. #2005-4, §14)

25-6.14 Severability.

The requirements and provisions of this section and their parts, subparts and clauses are severable. In the event that any requirement, provision, part, subpart, or clause of this section, or the application thereof to any person or circumstances, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the governing body that the remainder of the section be enforced to the maximum extent possible consistent with the governing body's purpose of detecting and eliminating source-water pollution discharges. (Ord. #2005-4, §15)

25-7 WATER RIGHTS ACQUISITION FUND.

25-7.1 Title; Authority.

A. Section 25-7 SFCC 1987 shall be known as the Water Rights Acquisition Fund and is enacted pursuant to the express statutory authority conferred upon municipalities to enact ordinances pursuant to its police power (N.M. Stat. Ann. §3-17-1 B (1978)) and pursuant to legislation that recognizes and promotes the public welfare and the conservation of water within a municipality and the right of a municipality to acquire and hold unused water rights in an amount no greater than its reasonable needs within forty (40) years (N.M. Stat. Ann. § 72-1-9 (1978)). It is also adopted pursuant to the city of Santa Fe's powers under its municipal charter, adopted effective March 15, 1998, pursuant to the Municipal Charter Act, sections 3-15-1 to 3-15-16 NMSA 1978, and Article 10, § 6 of the Constitution of New Mexico.

B. The city of Santa Fe is a charter municipality, empowered to make and enforce all laws concerning municipal affairs, subject to limitations of the city charter and the constitution and laws of the state of New Mexico. A reasonable exercise of municipal authority includes planning for the operation and growth of the municipal water utility, and planning for orderly urban development. Such planning includes the regulation of the amount and types of uses of water from the city's system to ensure that a reliable source of water exists to meet water requirements of the existing customers and that additional supplies of water in the system are provided for and allocated in a manner consistent with priorities established by the governing body. (Ord. #2006-28, §2)

25-7.2 Legislative Findings, Purpose and Intent.

A. The city has limited water supplies. Much of the city's water supply is dependent on annual precipitation, and in times of shortage or drought, this dependence can create significant variability in the seasonal and annual water supply available to the city and its water customers.

B. The governing body recognizes, as set forth in subsection 14-8.13 SFCC 1987, Annual Water Budget, that it needs to aggressively pursue available avenues for increasing the city's water supply. These include, but are not limited to the:

- (1) Construction of a direct diversion from the Rio Grande to make use of the city's rights to water under that certain lease agreement with the bureau of reclamation for waters from the San Juan diversion project;
- (2) Increase in conservation efforts, including the mandating of water catchments, cisterns, drip irrigation and other water saving strategies;
- (3) Purchase of additional water and or water rights;
- (4) Use of "return flow credits" (if, and/or when available);

- (5) Adoption of individual water customer budgets for all existing and new customers;
- (6) Rehabilitation and improvement of existing infrastructure and building new infrastructure for water delivery and effluent distribution;
- (7) Adoption and implementation of regulations for the use of "gray water"; and
- (8) Maintenance of existing infrastructure and resources to maximize their potential.

C. Through the efforts of city staff in conducting a utility demand analysis, there exists the need to obtain and prioritize water rights that augment the city's current water rights.

D. The governing body also recognizes that it is in the best interest of the health, safety and welfare of all citizens of Santa Fe that the city immediately takes the steps necessary to adopt water management policies that conserve and plan for enhancements to its supply and storage of water.
(Ord. #2006-28, §3)

25-7.3 Water Rights Acquisition.

A. The city shall, as a regular part of its annual budgetary process, allocate a percentage of all revenues received from the delivery of water services to the purchase, acquisition, long-term leasing of consumptive water rights in quantities sufficient to meet the total water demand for the city.

B. The city may allocate up to five percent (5%) of the annual operating budget for the water division to the purchase, acquisition, long-term leasing of consumptive water rights in quantities sufficient to meet the total water demand for the city.

C. The city shall make public on at least an annual basis regular reports of all funds allocated and all purchases, acquisition, leases of water rights made as a result of this fund and status as to the deficit or surplus in terms of the city's long range water plan.
(Ord. #2006-28, §4)

25-8 VOLUNTARY RIVER CONSERVATION FUND.

25-8.1 Title; Authority.

A. Section 25-8 SFCC 1987 shall be known as the Voluntary River Conservation Fund and is enacted pursuant to the express statutory authority conferred upon municipalities to enact ordinances pursuant to its police power (N.M. Stat. Ann. §3-17-1 B (1978)) and pursuant to legislation that recognizes and promotes the public welfare and the conservation of water within a municipality and the right of a municipality to acquire and hold unused water rights in an amount no greater than its reasonable needs within forty (40) years (N.M. Stat. Ann. §72-1-9 (1978)). It is also adopted pursuant to the city of Santa Fe's powers under its municipal charter, adopted effective March 15, 1998, pursuant to the Municipal Charter Act, sections 3-15-1 to 3-15-16 NMSA 1978, and Article 10, § 6 of the Constitution of New Mexico.

B. The city of Santa Fe is a charter municipality, empowered to make and enforce all laws concerning municipal affairs, subject to limitations of the city charter and the constitution and laws of the state of New Mexico. A reasonable exercise of municipal authority includes planning for the operation and growth of the municipal water utility, and planning for orderly urban development. Such planning includes the regulation of the amount and types of uses of water from the city's system to ensure that a reliable source of water exists to meet water requirements of the existing customers and that additional supplies of water in the system can be allocated for the care, conservation, and preservation of the waterways that pass by and through the city, in a manner consistent with priorities established by the governing body.
(Ord. #2006-28, §6)

25-8.2 Voluntary River Conservation Fund.

A. The city shall create a voluntary contribution program/voluntary check-off provision on its monthly utility billing statements for the citizens to donate money to the city for the purchase, acquisition, long-term leasing of consumptive water rights in quantities sufficient to sustain the total water demand for either a living Santa Fe River or for the preservation and continuation of sufficient water flowing through the Rio Grande.

B. The city shall make public on at least an annual basis regular reports of all funds allocated and all purchases, acquisition, leases of water rights made as a result of this river conservation fund.

C. The city shall appropriate sufficient funding that matches (on a dollar for dollar basis) on an annual basis all money that is contributed by the public to the river conservation fund.

D. The city shall use the proceeds from the river conservation fund for the purchase, acquisition, long-term leasing of consumptive water rights in quantities sufficient to sustain the total water demand for either a free-flowing Santa Fe River or for the preservation and continuation of sufficient water living through the Rio Grande.
(Ord. #2006-28, §7)

25-9 CITY WATER BUDGET.*

***Editor's Note:** This section is effective January 1, 2010.

25-9.1 Short Title.

Section 25-9 SFCC 1987 shall be referred to as the City Water Budget Ordinance. (Ord. #2009-38, §11)

25-9.2 Authority.

A. This Section 25-9 SFCC 1987 and related Sections 25-10, 25-11 and 25-12 SFCC 1987 are enacted pursuant to the express statutory authority conferred upon municipalities to enact ordinances pursuant to its police power (NMSA §3-17-1 B (1978)) and the power of municipalities to acquire and hold water rights in order to plan for reasonable development pursuant to NMSA §72-1-9 (2006).

B. Such articles are also adopted pursuant to the city of Santa Fe's powers under its municipal charter, adopted effective March 15, 1998, as amended effective May 5, 2008, pursuant to the Municipal Charter Act, sections 3-15-1 to 3-15-16 NMSA 1978, and Article 10, §6 of the Constitution of New Mexico.

C. A reasonable exercise of municipal authority includes planning for the operation and growth of the municipal water utility, and planning for orderly urban development in furtherance of the public health, safety and welfare. Such planning includes the regulation of the amount and types of uses of water from the city's system to ensure that a reliable source of water exists to meet water requirements of the existing customers and that any additional supplies of water in the system are allocated in a manner consistent with priorities established by the governing body.
(Ord. #2009-38, §12)

25-9.3 Legislative Findings.

A. The city has the responsibility to consider the nature of its water supplies. Some of the city's water supplies are dependent on annual precipitation, and in times of shortage or drought, this dependence may create significant variability in the seasonal and annual water supply. The city's groundwater supplies are reliable if not over used.

B. The governing body recognizes that it is in the best interest of the health, safety and welfare of all citizens of Santa Fe that the city take the steps necessary to accurately determine the level of demand on the city's water system to ensure that the current and future water needs and priorities of the city and its citizens are met and that the legal obligations of the city in operating the city water system are being and will continue to be met.
(Ord. #2009-38, §13)

25-9.4 Purpose.

The purpose of adopting Section 25-9 SFCC 1987 is to promote the following principles:

A. The city should not allow increased demand on the water system without adequate supply to meet this demand.

B. The city's water supplies should be used as efficiently as possible.

C. Anyone seeking new land use development should be responsible either for offsetting new demand through conservation measures or transferring to the city an equivalent amount of water rights that can be diverted through the city's infrastructure.

D. Water that is made available as a result of the city's water rights purchases, leases, offsetting conservation measures such as retrofitting high-use fixtures and appliances with low-use fixtures and appliances and increased water supply from city-related infrastructure projects allowing reuse of water or return flow credits should be allocated to uses and projects meeting the city's priorities including creation of a living Santa Fe River.

E. The city should use in its water planning accurate quantifications of the city's water supply and the demands upon the city's water supply.

F. The city should manage its water resources to maintain its ability to provide a stable, predictable, and adequate water supply.

G. The city shall make every reasonable effort to maintain a minimum flow in the Santa Fe River and to sustain a healthy riparian ecosystem.
(Ord. #2009-38, §14)

25-9.5 Annual Water Budget.

On an annual basis, the water division shall conduct an evaluation of the city's total water system supply and total water system demand, effective for the twelve (12) month period from April 1 to March 31. The water division shall summarize this evaluation in the water budget report and present the report to the public utility committee at the regularly scheduled April meeting and to the governing body at the regularly scheduled May meeting. The report shall include:

A. The city's current total water supplies, under the present water resource management policies, including:

- (1) Water rights available to the city;
- (2) Long-term sustainable yield from those water rights;
- (3) Effect that a range of drought conditions would have on that sustainable yield; and
- (4) Wet water available that year;

B. The total water demand including:

- (1) Actual demands upon the city's water service itemized into amounts to serve current customers, city uses, line loss and other actual current demands;
- (2) Utility reserve;
- (3) Anticipated demands upon the city's water service from future customers with valid written agreements that will require water service within the twelve (12) month period;
- (4) Special contractual demands (e.g. Las Campanas, county of Santa Fe); and
- (5) Non-revenue water demands including total system losses set out by categories of loss;

- C. Water system annual operating plan estimating water production from the city's various supplies to meet projected annual demand;
- D. Water resource annual management plan describing the impacts on the city's water resources resulting from the annual operating plan, as well as any planned actions to mitigate those impacts;
- E. Twenty (20)-year supply-demand projection, including near- and long-term anticipated demands upon the city's water service based on current growth projections and anticipated demands of future customers with valid written agreements;
- F. The quantity of water, if any, by which the sustainable water supply exceeds committed demand;
- G. Status of the city's water conservation credit and water rights transfer programs; and
- H. Quantification of all water credits held in the city water bank, pursuant to Section 25-10 SFCC 1987, including water rights belonging to the city resulting from water rights purchases and leases, water conservation credits pursuant to Section 25-11 SFCC 1987, water held for affordable housing, and water held to meet the anticipated long-range surface water supply gap resulting from water right permit offset requirements.
(Ord. #2009-38, §15)

25-9.6 Allocation of City's Available Water.

- A. Upon review of the annual water budget, the governing body shall determine if water is available for allocation. Water available for allocation shall be derived only from the following sources:
 - (1) The portion of surplus sustainable water supply in excess of committed demand that the governing body has transferred to the city water bank;
 - (2) City's water rights purchases and leases deposited in the city water bank;
 - (3) Retrofit rebate conservation credits deposited in the city water bank under the water conservation credit program set forth in Article 25-11 SFCC 1987;
 - (4) Conservation credits donated to the city rebates under the water conservation credit program set forth in Section 25-11 SFCC 1987; and
 - (5) Infrastructure projects allowing reuse of water or return flow credits.
- B. The water available for allocation shall be held in the city water bank established pursuant to Section 25-10 SFCC 1987.
- C. The governing body may allocate by resolution some or all of the water available for allocation to both city and other uses and projects that meet the city's priorities.
- D. In making allocations, the governing body shall give priority to the following uses:
 - (1) Annual allocations of water to affordable housing shall be made for at least three (3) consecutive future years, and each year's allocation shall be set aside in a separate affordable housing account in the city water bank. When a specific development receives final approval, the water division shall debit the appropriate year's affordable housing account in the city water bank, as set forth in Section 25-10 SFCC 1987, for the water necessary to serve the affordable housing in the development and issue a water allocation approval form for that project. At the time of each annual allocation, the governing body shall adjust allocations made in previous years to account for changes that may have occurred in previously identified affordable housing projects in the intervening year and return to the city's pool of available water any water that is not being used as a result of proposed affordable housing project's being withdrawn or a reduction in its anticipated water demand.
 - (2) Water available from retrofit rebate conservation credits in the water bank shall be allocated for sale to developers of small development projects as set forth in Section 14-8.13(E)(2)(b) and (d). The city shall maintain in the water bank a reserve of 25 AFY from retrofit rebate conservation credits for sale to water customers to remedy violations of restrictions under alternative development water budgets or water conservation contracts pursuant to Section 14-8.13(D)(4).
 - (3) Water right permit offset requirements, accounted for in the long-range surface water supply gap account held in the city's water bank;
 - (4) City projects including, but not limited to, parks and open space, affordable housing, water for the Santa Fe River, city buildings and other city facilities;
 - (5) Other projects in which the city is a partner; and
 - (6) Private or non-city public uses and projects which recognize other city priorities such as economic development and stability, energy efficiency, job growth and community health.
- E. After the governing body has approved an annual water allocation for a specific project, the water division shall debit the city's account in the city water bank and credit a special account for that specific project. When the specific project is ready to obtain building permits, the developer shall withdraw the water credits from the special account, dedicate them to meet all or part of the approved development water budget for the development, as documented by a dedication form from the Water Division, and provide that water dedication form to the land use department. That dedicated water shall become a permanent portion of total water system demand calculations unless it shall expire or be relinquished as provided in subsection 25-9.6(F)(3) SFCC 1987 below.
- F. A water allocation by the Governing Body:
 - (1) Only satisfies a development water budget; it creates no other land use approvals or right to approval of the requested number of lots, units or commercial development, or commercial buildings, building permits or water meters for a proposed development project. The actual number of lots or units, or the amount and type of commercial development or the number of building permits or water meters that may be approved shall be determined by the appropriate development, permit or meter application review process.
 - (2) Is issued for specific developments, building permits or water hook-ups and specific geographic sites and they shall not be moved, sold, traded, transferred or exchanged in any way for different developments, building permits or water hookups.

(3) If not dedicated to an approved development permit within two (2) years of the allocation approval, or by some other date approved by the governing body, shall revert back the city's credit in the water bank. An applicant may reapply for the previously allocated water credits when the previously designated development project is ready to proceed to the appropriate stage in the development permitting process. An applicant may relinquish allocated water credits at any time and the water credits shall revert back the city's credit held in the city's water bank.
(Ord. #2009-38, §16)

25-10 CITY WATER BANK.*

***Editor's Note:** This section is effective January 1, 2010.

25-10.1 Short Title.

Section 25-10 SFCC 1987 shall be referred to as the City Water Bank Ordinance. (Ord. #2009-38, §18)

25-10.2 Purpose; Creation of City Water Bank.

A. The purpose of the City Water Bank Ordinance is to establish a city water bank consisting of various accounts holding water rights, water credits and water conservation credits.

B. In the city's account shall be placed consumptive use water rights purchased by the city or leased by the city, water conservation credits obtained by the city under the water conservation credit program pursuant to Section 25-11 SFCC 1987, and consumptive use water rights obtained through infrastructure projects allowing reuse of water or return flow credits.

C. In separate accounts in the name of the person or entity transferring water to the city shall be placed consumptive use water rights transferred to the city pursuant to Section 25-12 SFCC 1987 the water rights transfer program and office of the state engineer policies, guidelines and procedures, and water conservation credits transferred to the bank by customers pursuant to Section 25-11 SFCC 1987.
(Ord. #2009-38, §19)

25-10.3 Water Bank Transactions.

A. Consumptive use water rights, water credits and water conservation credits may be transferred to the city water bank by any of the following entities:

(1) The city to hold consumptive use water rights derived from water rights purchases, leases and water conservation credits obtained from retrofit rebates and from donation from customers signing conservation contracts; and infrastructure projects allowing reuse of water and return flow credits;

(2) Water customers to hold water conservation credits transferable within the city of Santa Fe's water system obtained through water conservation contracts as set forth in the water conservation credit program pursuant to Section 25-11 SFCC 1987; and

(3) Water rights transfer program transferors to hold water credits consisting of consumptive use water rights transferred to the city as set forth in Section 25-12 SFCC 1987 and pursuant to the office of the state engineer policies, guidelines and procedures which credits may be applied to new development projects requesting service from the city's water system.

B. All water rights, water credits and water conservation credits held in the city water bank shall be accounted for in units of acre feet per year.

C. Upon request of an entity in whose name water rights, water credits or water conservation water credits are on deposit in the city water bank, the city water bank shall:

(1) Transfer the water rights, water credits or water conservation credits to another entity as directed;

(2) Issue a water dedication form that applies those water rights, water credits or water conservation credits to a specific development water budget, or

(3) Issue a water dedication form that applies the water rights, water credits or water conservation credits to the public purpose as directed.

D. Water rights or water conservation credits in the city's account may be designated for specific purposes pursuant to resolution of the governing body adopted under the city water budget process set forth in subsection 25-9.5(B)(1) SFCC 1987 and applied to that purpose by a water dedication form.

E. Banked water credits or water conservation credits may be sold or assigned at any time by the owner, providing the owner notifies the city in writing of such a change in ownership. If the owner's assign does not have a water bank account established, the city shall establish a water bank account in the assign's name for the purpose of water credit or water conservation credit assignment.

F. If, in the event the city no longer requires developers to offset the anticipated demand of their development project, water credits held by water rights transfer program transferor and water conservation credits held by water customers under the water conservation credit program in the city water bank can be sold to the city at current market value.
(Ord. #2009-38, §20)

25-10.4 Water Bank Public Posting.

The water division shall post on the city's website a public listing of the identity of each person or entity that holds water rights on deposit in the water bank that requests listing and the amount of water rights held by that person or entity. (Ord. #2009-38, §21)

25-11 WATER CONSERVATION CREDIT PROGRAM.*

***Editor's Note:** This section is effective January 1, 2010.

25-11.1 Short Title.

Section 25-11 SFCC 1987 shall be referred to as the Water Conservation Credit Program Ordinance. (Ord. #2009-38, §23)

25-11.2 Purpose.

The purpose of the city water conservation program is to increase system-wide water conservation, to facilitate offsetting impacts on the city's water supply system from new development and to supply water for other municipal uses. (Ord. #2009-38, §24)

25-11.3 Water Conservation Credits.

A. A water conservation credit represents a fixed quantity of water expressed in acre feet per year (AFY) that is transferable within the city of Santa Fe for annual usage.

B. Upon the request of a water customer, the city may schedule and conduct an on-site water conservation audit to determine ways that the customer may reduce water usage and provide an estimate of the quantity of water that can be conserved.

C. Water conservation credits may be created through either of the following two (2) methods:

(1) *Water Conservation Contract.* Water customers with a minimum current uninterrupted five (5) year history of water usage and water customers subject to an alternative development water budget may agree to a water conservation contract with the city water division to reduce the customer's annual water usage at a property the customer owns from the past five (5) year average or from the amount permitted under the alternative development water budget by a fixed quantity in AFY, with a minimum reduction of two one-hundredths (.02) of an AFY or six thousand five hundred seventeen (6,517) gallons per year. Conservation measures shall be shown to consist of: for commercial customers, a change in the nature of the business, a change in commercial process, retrofit of older commercial appliances or fixtures with newer, more water-efficient units, or installation of new water conservation technology; and for residential customers, retrofit of older appliances or fixtures with newer, more water-efficient units or installation of new water conservation technology. Changes from residential uses to commercial uses shall not be eligible for a water conservation contract.

(a) Upon execution of the contract, the city's water division shall:

(i) Track that customer's usage annually to ensure that the promised water conservation savings are achieved and maintained; and

(ii) Issue to the customer, water conservation credits reflecting the volume of city-transferable water that the customer has committed to conserve.

(b) These credits shall be deposited in the city water bank in the customer's name.

(2) *Water Conservation Retrofit Rebate.* The city may obtain water conservation credits through direct payment to residential and commercial customers of a rebate upon the customers' replacement (retrofit) of a high-water-usage appliance, fixture or landscaping with a qualifying water-saving appliance, fixture or landscaping, including a rebate for the installation of rain barrels, or through the city's direct installation of water saving devices provided that the following are met:

(a) The city shall require satisfactory proof to confirm the retrofit of the high water usage appliance, fixture or landscaping with the qualifying appliance, fixture or landscaping; and

(b) Participating customers shall allow the city to conduct an inspection prior to, during, and after the installation of any retrofits and to provide for collection and disposition of old appliances to ensure that the old appliances do not return to service.

(c) Upon payment by the city of the retrofit rebate to a customer, the city shall deposit in city water bank in the city's name the appropriate amount of water conservation credits.

D. Water conservation credits shall be placed in the city's water bank.

(1) Water conservation credits realized through a water conservation contract may be held in the customer's name for use by the customer to offset the impact on the city's water system of new development projects as set forth in Section 14-8.13(E)(2) SFCC 1987, donated to the city for a specified public purpose, transferred to the city or, if the city chooses not to purchase the conservation credit, be transferred to another individual.

(2) Water conservation credits realized through a retrofit rebate shall be held in the city's name for resale to water customers who exceed their allowed water usage under an alternative development water budget or a water conservation contract as set forth in Section 14-8.13(D)(4) SFCC 1987, for purchase from the bank to offset the impact on the city's water system of certain small development projects as set forth in Section 14-8.13(E)(2)(b) and (d) SFCC 1987, or for any other public purpose.

(3) Certified retrofit credits generated from the previous retrofit program, and held in the name of various persons or entities, shall be deposited in the water bank in the holder's name and may be sold from there by the holder to fulfill an applicant's approved development water budget. (Ord. #2009-38, §25)

25-11.4 Administrative Procedures.

A. The city shall establish administratively minimum standards of water-use efficiency for qualifying retrofit rebate fixtures, appliances and landscaping, including but not limited to toilets, waterless urinals, faucets, showerheads, clothes washers, dishwashers, and weather-based irrigation controllers.

B. The city shall also establish administratively the quantity of water conserved by each retrofit and the price that it will pay for each water conservation retrofit rebate credit. (Ord. #2009-38, §26)

25-11.5 Monitoring, Violations, Penalties, and Remedies.

25-12 WATER RIGHTS TRANSFER PROGRAM.*

***Editor's Note:** This section is effective January 1, 2009.

25-12.1 Short Title.

Section 25-12 SFCC 1987 shall be referred to as the Water Rights Transfer Ordinance. (Ord. #2009-38, §29)

25-12.2 Purpose.

The purpose of the city's water rights transfer program is to administer water right transfers designated for development projects as required by Section 14-8.13 SFCC 1987 and water rights transfers designated for the city water bank as provided for in Section 25-10 SFCC 1987. (Ord. #2009-38, §30)

25-12.3 Designating Water Right Transfers.

A. The applicant shall notify the city, in writing, at the time of the initial tender of water rights for city review and possible acceptance, whether the water rights are to be dedicated to a development water budget or whether the water right is designated for the city water bank. At any time after their tender, water rights initially designated for the water bank can be dedicated to a development by written notification provided by the applicant to the city.

B. Section 25-12 SFCC 1987 shall not apply to development for which an annexation agreement has been approved by the governing body prior to July 27, 2005, which specifically addresses water demand offset and the transfer of water rights to meet such water demand. (Ord. #2009-38, §31)

25-12.4 Tender of Water Rights.

A. Water rights proposed to be transferred to the city's water system for dedication to a development shall be tendered to the city attorney at whichever review stage is applicable and occurs first in the review of a particular development, according to the following requirements:

(1) Not later than sixty (60) days after the final approval by the land use department, the planning commission or the governing body of the final subdivision plat, except for parcels within a commercial subdivision for which actual use with attendant water budget has yet to be determined;

(2) Not later than sixty (60) days after the final land use approval of the final development plan by the land use department, the planning commission or the governing body; or

(3) For developments located outside the city limits, prior to execution of an agreement with the city to construct and dedicate water lines.

B. In the case of phased development, water rights tendered for the first development phase shall adhere to subsection 25-12.4(A) SFCC 1987 above, and water rights for a subsequent phase of the development shall be tendered to the city attorney at the time that the infrastructure financial guarantee is posted for that phase of development.

C. Water rights designated for the city's water bank may be tendered at any time.

D. The information contained in the tender shall include:

(1) The name and address of the current owner(s) and/or seller(s) of the water rights;

(2) A description of the development project(s) for which the water rights are designated, or direction that the water rights are designated for the city's water bank;

(3) Proof of ownership of the water rights in the form of: a declaration of water rights; the most recent change of ownership form for the water rights; and any deeds regarding the water rights in the county where the water rights are located;

(4) A title search or title report for the property to which the water rights are appurtenant;

(5) Any permits, licenses, or court orders for the water rights, together with a description of the place and purpose of use and point of diversion for the water rights;

(6) A copy of the agreement between the seller(s) and applicant under which the applicant intends to acquire the water rights; a copy that redacts the price may be acceptable; however, if the applicant uses a letter of credit or escrow pending application approval, however, the city may require an unredacted copy;

(7) An affidavit from the seller(s) to the effect that the water rights are free and clear of all encumbrances and liens, or that encumbrances shall be released before or at closing and furthermore an affidavit to the effect that no part of the water rights has not been lost through abandonment or forfeiture; and

(8) Such other documentation as the city may reasonably require related to the water rights.

E. Upon tender of water rights for the city's review, the applicant, and not the applicant's representative, shall sign an agreement prepared by the city attorney acknowledging that the applicant shall abide with the conditions of this Section 25-12 SFCC 1987.

F. Upon tender of water rights to the city for review, the applicant shall pay a deposit of one thousand (\$1,000.00) dollars to be applied against the hydrologic due diligence review of the tendered water rights. (Ord. #2009-38, §32)

25-12.5 Due Diligence Review Procedure and City Fee.

- A. The city shall review the documentation provided within a sixty (60) day due diligence review period and determine in its sole discretion whether the water rights are acceptable to the city for its use in its system and whether the transfer of the rights to a point of diversion acceptable to the city is feasible.
- B. During the review period, the city may request from the applicant additional documentation to aid in the city's determination. Upon such request, the review period shall be tolled until the additional documentation is provided to the city.
- C. If the city determines that any or all of the water rights are acceptable to the city for purposes of the transfer, the city shall notify the applicant in writing of the total amount of consumptive use acre-feet per year acceptable to the city and the parties shall proceed to subsection 25-12.6 SFCC 1987.
- D. If the city determines that the water rights are not acceptable, then it shall notify the applicant in writing, specifying the reason(s) for the city's determination and whether the city believes the applicant can cure the reason for unacceptability. Upon notice to the applicant that any or all of the water rights may be cured, a new review period shall commence, and the applicant shall within the new review period provide a cure as specified by the city in its written notice. If the city rejects the water rights, the applicant may tender other water rights for transfer. Upon such tender, a new review period shall commence for the city. This process may be repeated until the city accepts tender of all water rights required by the city.
- E. Applicant shall reimburse the city for its hydrologic due diligence review of the tendered water rights by paying the actual costs as evidenced by invoices from consultants prior to the city's final written acceptance of water rights into the water rights transfer program.
(Ord. #2009-38, §33)

25-12.6 Acceptance of Water Right into the City Water Right Transfer Program.

Upon payment of the fees due from the applicant for the city's due diligence review and determination that tendered water rights are acceptable to the city, the city shall issue to the applicant the final written acceptance of the water rights into the water rights transfer program, specifying the total amount of consumptive use in acre-feet per year that the city has approved. (Ord. #2009-38, §34)

25-12.7 Water Right Transfer Application Procedure and Payment of Fees and Costs.

- A. After city acceptance of water rights into the water rights transfer program, the applicant shall prepare a draft application to the office of the state engineer to transfer the water rights to the city's designated point of diversion. The draft application shall show the city as a co-applicant. The draft application shall include no less than the total number of consumptive use acre-feet accepted by the city. The applicant shall publish all necessary legal notices in appropriate newspapers.
- B. The content of the water rights transfer application shall be determined by the applicant and the city and completed in a manner acceptable to the office of the state engineer. The final water rights transfer application shall be executed by the seller, if applicable, the applicant, and the city. Following the execution and submittal of the transfer application to the office of the state engineer by the applicant, the applicant shall not file any subsequent office of the state engineer application with regard to those water rights without the written consent of the city.
- C. The city and the applicant shall reach mutual agreement regarding the application. The city shall have the discretion to modify or withdraw the application and to discontinue the transfer process if proceeding threatens exercise of the city's water rights under Permit No. RG-20516 *et al.* The applicant may also withdraw the application, provided the applicant notifies the city in writing one week in advance of any such withdrawal.
- D. The applicant shall pay applications fees required by the office of the state engineer and legal notice publication fees and costs incurred in any administrative hearing as well as subsequent appeals, if pursued. The city shall receive notice of any hearings and may participate in the hearings as it deems appropriate. The city has ultimate decision-making authority regarding any conditions of approval that any protestant or the office of the state engineer may offer that affect the city's existing permit, RG-20516 *et al.* The applicant has ultimate decision-making authority regarding any conditions of approval that any protestant or the office of the state engineer might offer that affect the validity and extent of the water rights being transferred.
(Ord. #2009-38, §35)

25-12.8 Financial Guarantee Procedure for Issuance of a Building Permit Prior to Completion of Water Rights Transfer and Conveyance.

- A. These financial guarantee provisions shall apply to all water rights designated for development projects within the city limits. These financial guarantee provisions may also apply to water rights designated for development projects connecting to the city water system outside the city limits.
- B. No building permit shall be issued before water rights transfer completion and the conveyance of water rights to the city, as set forth in subsections 25-12.10 and 25-12.11 SFCC 1987, except as provided in this section.
- C. The applicant may apply for a building permit before water rights transfer completion and conveyance of water rights to the city if the city has accepted the water rights as set forth in subsection 25-12.6 SFCC 1987 and a water right transfer application has been filed with the office of the state engineer as set forth in subsection 25-12.7 SFCC 1987. The applicant may obtain such a building permit only if escrow funds or an irrevocable letter of credit is provided to the city in a manner acceptable to the city. The purpose of this provision is to secure the applicant's obligation to transfer water rights that can either be used for the city's water right permit compliance or diverted and delivered by the city water utility in such a manner that the development, based upon the approved development water budget, does not increase the demand on the city's water utility.
- D. The escrow funds or irrevocable letter of credit shall be in the amount of one hundred percent (100%) of the current value of the water rights sought to be transferred by the applicant and shall be provided at the time of building permit application.
- E. The current value of the water rights shall be presumed to be the current fair market value of pre-1907 consumptive use water rights from the Middle Rio Grande Basin. The city shall have the sole discretion to determine the current value of the water rights, which determination shall be reasonably made based upon the known market for such rights and upon the purchase price of the water rights, as evidenced by the purchase agreement required in Section 25-12.4(D) SFCC 1987.
- F. Upon completion of the water right transfer and issuance of the city's water rights transfer certificate as set forth in subsection 25-12.10 SFCC 1987 for the full amount accepted by the city, the city shall release the irrevocable letter of credit. In the case of escrow, upon completion of the water right transfer of the full amount accepted by the city and issuance of the city's water rights transfer certificate as set forth in subsection 25-12.10 SFCC 1987 the city shall return to the

applicant the balance of escrow funds, as well as any accrued interest on this amount.

G. If the amount of water rights approved by the office of the state engineer for transfer is less than the amount of water rights the tender of which was accepted by the city, the applicant shall have ninety (90) days from a final, non-appealable order within which to make up the difference by conveying to the city the balance of required water rights or water credits. If the applicant does not convey the required water rights or water credits within this time, the city shall transfer to the water division's operating budget a portion of the applicant's escrow fund or irrevocable letter of credit equal to the proportion of the water rights for which the office of the state engineer denied transfer. The transfer of the funds shall be in lieu of the requirement on the applicant to transfer any additional water rights. Upon such transfer of funds to water division, the applicant shall be deemed to have fulfilled its requirement to transfer water rights and the city shall release the portion of the letter of credit or return to the applicant the portion of the escrow fund that represents the percentage of the accepted water rights required to be transferred for the development water budget as compared to the amount of water rights that were actually transferred to the city, less any unpaid transaction costs owed by the applicant, as well as any accrued interest on this amount.

(Ord. #2009-38, §36)

25-12.9 Office of State Engineer's Approval of the Water Right Transfer, Appeals, and Conveyance of Water Rights Title to City.

A. A water right transfer shall be deemed complete once the office of the state engineer has approved a transfer of all or a portion of the water right to the new point of diversion(s) and the new place and purpose of use and has issued a final permit for the transfer that is not appealed, or the permit is appealed but the permit becomes a non-appealable, final order by the office of the state engineer.

B. The city, as the lead applicant, shall have final decision-making authority regarding appealing any conditions of approval that affect Permit No. RG-20516 *et al.* unless the applicant or the city chooses to withdraw the application and can do so in such a way that there will be no effect from the application process on Permit No. RG-20516 *et al.* The applicant shall have final decision-making authority regarding appealing any decisions affecting the validity and extent of the water rights being transferred. The party that decides to appeal shall pay the cost of the appeal.

C. If the application is denied and is not appealed, then a new tender period shall commence for the applicant.

D. When water rights are dedicated to a specific development water budget under subsection 25-12.3(A), upon completion of the water right transfer, the applicant shall within ninety (90) days, convey to the city all right, title and interest to the transferred water rights, at no additional cost, free and clear of all encumbrances and with special warranty covenants. Within this same ninety (90) day period, the applicant shall execute and file all appropriate documentation with the Santa Fe county clerk and with the office of the state engineer in order to effectuate timely issuance of the office of the state engineer final permit, pursuant to NMSA 1978, § 72-1-2.1. If the applicant fails to do so, the city shall disallow use of water from the city's system for the applicant's development unless the applicant has provided a letter of credit or escrow funds as set forth in subsection 25-12.8 SFCC 1987 in which case the letter of credit or the escrow funds shall be retained by the city. The applicant shall reimburse the city for all water rights transfer application transaction costs borne under subsection 25-12.6 SFCC 1987. Unpaid transaction costs shall be treated as utility charges as set forth in subsections 15-1.4 and 15-1.5 SFCC 1987.

E. When water rights have not been designated for a specific development water budget, upon completion of the water right transfer, the water rights shall be held as undesignated water rights in the water bank in the applicant's name. At such time as the water rights are designated for a specific development water budget, the applicant shall convey legal title to the city and file an appropriate change of ownership with the OSE and the Santa Fe County Clerk as required in Paragraph D above.

(Ord. #2009-38, §37)

25-12.10 Issuance of City of Santa Fe Water Rights Transfer Certificate.

Upon completion of the transfer of the water rights to the city's permit as set forth in subsection 25-12.9 SPCC 1987 and issuance of the office of the state engineer's final permit, the water division shall deposit the water rights in the city water bank in the applicant's name and issue to the applicant a water rights transfer certificate evidencing the deposit. If the water rights were tendered for application to a specific development under subsection 25-12.3(A), that shall be indicated on the water rights transfer certificate and the water bank's records. Upon issuance of the water division's water rights transfer certificate, the water rights transfer applicant shall then be referred to as the water rights transferor. (Ord. #2009-38, §38)

25-12.11 Water Rights Dedication to Obtain a Building Permit.

A. The water rights transferor or assigns may withdraw banked water rights from the bank for dedication to a development water budget. To dedicate water rights from the city's water bank to a development water budget, the transferor shall obtain a water dedication form from the water bank for the amount of water rights necessary for the development water budget and present that dedication form to the land use department.

B. For the purpose of issuing a building permit, the land use department shall accept the dedication of transferred water rights to meet an approved development water budget as shown on the water dedication form. That dedicated water shall become a permanent portion of total water system demand calculations. (Ord. #2009-38, §39)

25-12.12 Sale of Water Rights.

At any time before or during the approval and transfer process, the applicant may sell and assign any or all of the applicant's interest in tendered water rights to the city or any other party, based upon a fair market price to be negotiated between applicant and the purchaser, providing the applicant notifies the city in writing of such a change in ownership. Sale and change of ownership of a water right tendered to the city for a particular project shall not change the designation of the water right for dedication to that development water budget, as specified in subsection 25-12.3(A) SFCC 1987, without written city approval. A water rights transferor may sell or assign to another any or all of the transferor's water rights on deposit in the water bank that are not designated for a particular project. The water bank shall transfer the water rights to the account of the assignee. (Ord. #2009-38, §40)

25-12.13 Relation to Other Requirements and Approvals.

A. The transfer of water rights to the city, whenever applicable, in no way limits, abolishes, or in any way mitigates any other requirements imposed by the city such as, but not limited to, utility expansion charges, impact fees, connection fees, or any other requirements related to the city's water delivery system.

B. The successful transfer and conveyance of water rights to the city does not guarantee approval of other city development requirements. Water rights which have been successfully transferred for developments that fail to meet other required approvals shall not be rescinded, but shall remain in the city's water bank in the name of the transferor or the transferor's assigns as set forth in Section 25-10 SFCC 1987.

(Ord. #2009-38, §41)

25-13 SANTA FE RIVER TARGET FLOW.

25-13.1 Short Title.

Section 25-13 may be cited as the "Santa Fe River Target Flow Ordinance." (Ord. #2012-10, §2)

25-13.2 Legislative Findings.

The governing body finds that:

A. Through the adoption of Resolution No. 2009-47, Resolution No. 2010-15 and Resolution No. 2011-28 the governing body authorized the city to support a living Santa Fe River by allowing water to bypass McClure and Nichols reservoirs in 2009, 2010 and 2011.

B. The Santa Fe river is an important element of the city of Santa Fe and the city's origin was due to the existence of the river.

C. There is widespread community support for maintaining a living Santa Fe river for recreational and cultural purposes.

D. A healthy river provides riparian habitat for wildlife and minimizes erosion and flood damage, removes pollutants from storm water and helps recharge groundwater.

E. The city has put to beneficial use its water right under Declaration No. 01278 and License 1677, (as issued by the state engineer) and intends to continue to put that water to beneficial use, and the adoption of this ordinance will not adversely affect the city's water right under Declaration No. 01278 and License 1677.

F. Implementation of this ordinance will not cause the city to operate the municipal water utility in any way that is inconsistent with any local, state or federal rules, regulations or laws.

(Ord. #2012-10, §3)

25-13.3 Purpose.

The purpose of Section 25-13 SFCC 1987 is to formalize the city's commitment to provide for a target flow within the Santa Fe River in order to enhance and further the objective of restoring the Santa Fe river as a living river by committing to use up to one thousand (1,000) acre-feet per year (AFY) of the city's water supply, depending upon hydrologic conditions in the Santa Fe River watershed. This section shall be interpreted to further this objective. (Ord. #2012-10, §4)

25-13.4 Definitions.

As used in Section 25-13 SFCC 1987:

Administrative procedures means the Administrative Procedures for the Santa Fe River Target Flows Ordinance, adopted by resolution of the governing body, that describe how city staff will implement Section 25-13 SFCC 1987 in order to provide up to one thousand (1,000) AFY in target flows to the Santa Fe river. The administrative procedures shall include the following:

A. The operations of the city's water division and other city staff necessary to provide for the up to one thousand (1,000) acre-feet target flow below Nichols reservoir;

B. Target flow hydrographs that support the city's identified ecological and social outcomes;

C. Adjustments to the target flows and target hydrograph under less than average anticipated watershed yield;

D. Provisions to adaptively manage the target flows based on ecological and social outcomes because of precipitation events, stream flows and effects;

E. Adjustments to the target flow due to emergencies;

F. Requirements for monitoring, accounting, and reporting target flow; and

G. Other operational and administrative procedures that may be required to fulfill the purpose of this section.

Anticipated watershed yield means the expected annual yield of water to the Santa Fe river and the municipal reservoirs within the Santa Fe river upper watershed, expressed as the percentage of the historical average; the anticipated watershed yield is estimated as of April 15th using the best available information including the amount of snow, both as depth (in inches) and snow-to water equivalent (in inches) at the weather stations in the upper watershed (Santa Fe and Elk Cabin); the Santa Fe basin forecast predictions from Natural Resource Conservation Service (NRCS); weather forecast from the National Weather Service and NOAA; and any other pertinent appropriate weather-related information.

Below Nichols gage means the stream gaging station 08316505 located below Nichols reservoir, or at a comparable location of measurement at or below the outlet from Nichols dam; this is the measuring point for target flows administration pursuant to the administrative procedures.

Bypass flow means, generally, water that flows past a diversion or storage facility. In the administrative procedures, it refers to water that the city chooses not to store in the municipal reservoirs and thus allows to flow to the Santa Fe river below Nichols reservoir provided that the rate at which the bypass flow is passed through the outlet works of Nichols reservoir dam is always equal or less than the stream inflow at the 'above McClure' gage.

Hydrograph means a graphic representation of stream discharge, in cubic feet per second, plotted against time.

Target flow means the daily, seasonal or annual amount of water (as a volume or a rate) desired in the river as measured at the "below Nichols" stream gage or at a comparable location of measurement at or below the outlet from Nichols dam. The quantity is variably identified in several sections of the administrative procedures, depending upon the anticipated watershed yield.

Target hydrograph means the graphical representation of the daily target flow necessary to provide up to one thousand (1,000) AFY of bypass water in the Santa Fe river as measured at the below Nichols gage. The quantity of water is variably identified in several sections of the administrative procedures, depending upon anticipated watershed yield.
(Ord. #2012-10, §5)

25-13.5 Santa Fe River Target Flow.

The city water division shall operate the city's system of reservoirs to ensure that a bypass target flow of up to one thousand (1,000) AFY of river water flows into the Santa Fe river below Nichols reservoir. In average and wet conditions, the target flows will be one thousand (1,000) AFY. In drier years, seventy-five percent (75%) of the average watershed yield or less, the target flows shall be scaled in such a way that the target flows will equal the percentage anticipated watershed yield multiplied by one thousand (1,000) AFY. When the anticipated watershed yield is equal or less than thirty percent (30%) average watershed yield, the target flows will be three hundred (300) AFY. Additional information regarding the daily target flow pattern is provided for in the administrative procedures. Water that is released and/or spilled for flood management will count toward the daily target flows and target hydrograph when the flows are within the daily target flows of the target hydrograph. If water greater than the daily target flows is released or spilled into the river, the quantity of water that exceeds the daily bypass target flow will not be counted toward the target hydrograph. Except for flood management as described above, the water for the target hydrograph shall not include water released for any other purpose at the time of release, provided that nothing in this section shall require the release of bypass water if the release might jeopardize the city's water right under License 1677 and Declaration 01728. (Ord. #2012-10, §6)

25-13.6 Coordination with Santa Fe River Community Events.

When possible, target flows and target hydrographs shall be patterned to support community events scheduled along the Santa Fe river. (Ord. #2012-10, §7)

25-13.7 Water Emergency Target Flow Adjustment.

A. Pursuant to subsection 25-5.6 SFCC 1987, upon declaration of a water emergency, the city manager is authorized to adjust target flows to the Santa Fe river.

- (1) For the "Water Warning — Orange" implementation stage, target flows to the Santa Fe river may be suspended.
- (2) For the "Water Emergency — Red" implementation stage, target flows to the Santa Fe river shall be suspended.

B. The administrative procedures provide the detailed process for adjusting target flows to the Santa Fe river during a declared water emergency.
(Ord. #2012-10, §8)

25-13.8 Reporting and Review.

Annually city staff shall provide a report to the governing body summarizing the previous year's target flows and projection for the next year's target flows. The annual report shall provide the governing body the opportunity to review this section. Additional information regarding accounting and reporting is provided for in the administrative procedures. (Ord. #2012-10, §9)

25-13.9 Effective Date.

This section shall become effective five (5) days after publication of adoption. (Ord. #2012-10, §10)

EXHIBIT A RULES AND REGULATIONS -- WATER SERVICE

**CITY OF SANTA FE
PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
EXHIBIT A
(Subsection 25-4.1)**

RULES AND REGULATIONS -- WATER SERVICE

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March 31, 2010 (Ordinance 2010-5, §1)	
May 25, 2011 (Ord. 2011-13, §1)	

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1. PREAMBLE TO RULES AND REGULATIONS

These Rules and Regulations address water service furnished by the city of Santa Fe in the areas described below. These rules are intended to promote safe and adequate service to the public and to provide standards for uniform and reasonable practices. The rules herein established shall remain in effect until amended or superseded by other Rules and Regulations.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe. The city of Santa Fe does not assume any responsibility to serve or extend its water facilities to serve additional customers located outside the service area boundaries identified above.

2. DEFINITIONS AND EXPLANATIONS

The following definitions are applicable wherever these terms are used in these Rules and Regulations:

- A. CITY - The water utility owned and operated by or on behalf of the city of Santa Fe, New Mexico, called the Sangre de Cristo Water Division and whose business office is at 801 West San Mateo, Santa Fe, New Mexico. Also known as the Santa Fe Municipal Water System.
- B. CHRONICALLY DELINQUENT - The status of a customer who during the prior twelve (12) months has been disconnected by the City 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. CROSS-CONNECTION - Any physical connection or arrangement between two (2) otherwise separate piping systems, one of which contains potable water and the other of unknown or questionable safety, whereby water may flow from one system to the other, the direction of the flow depending on the pressure differential between the two (2) systems.
- E. CUSTOMER - Any person, firm, association, partnership or corporation, or any agency of the federal, state, or local government, being supplied with, and/or responsible for payment for, water services by City.
- F. DELINQUENT - The status of a bill rendered to a customer for utility service which remains unpaid 15 calendar days following the "due" date on the customer's utility bill.
- G. DISCONTINUANCE OF SERVICE - An intentional cessation of service by the City 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. GOVERNING BODY - The Mayor and City Council of the city of Santa Fe as defined in subsection 2-1.1 SFCC 1987.
- J. POINT OF DELIVERY - The point of delivery shall be the point where the facilities of the City connect to the facilities furnished by the customer.
- K. PRESSURE - The range of fifty (50) to one hundred twenty-five (125) pounds which can ordinarily be made available in the area contiguous to existing lines.
- L. PRESSURE REGULATING DEVICE - A device that maintains a constant water pressure at its immediate downstream side which is less than the inlet pressure to the device, unless the pressure on the inlet side is lower than the pressure setting for the downstream side.
- M. Reserved.
- N. 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.

- O. RECONNECTION CHARGE - A charge made by the City at the time application is made for reconnection of water service at a place where water service has been previously disconnected.
- P. Reserved.
- Q. RESIDENTIAL SERVICE OR USE - The provision of or use of water for household or domestic purposes, and as further described in Rule 3, Exhibit A of Chapter 25 SFCC 1987.
- R. SERVICE LINE - The pipe connection from a distribution water main to the water meter.
- S. SPECIAL SERVICE - A service provided to a customer by the City which is not subject to a rate schedule.
- T. UTILITY CHARGES - The billing or charges for the provision of utility service and other charges authorized by the governing body pursuant to approved rates.
- U. WATER PRESSURE - The gauge pressure of water within a pipe measured in pounds per square inch above atmospheric pressure and abbreviated herein as "pounds."
- V. WATER SERVICE - The general term for furnishing the customer with water.
(Ord. #2003-25, §§46, 47; Ord. #2005-2, §5)

3. CHARACTER OF SERVICE

- A. Water service will be furnished under conditions as stated in these Rules and Regulations. Service to a customer will be provided at the rates set forth in the rate schedule in Exhibit B, of this Chapter which is applicable to the character of service set forth below.
- B. The customer shall provide the city information regarding the type of use and number of units if applicable. The city reserves the right to determine the character of service based upon the actual use of the water, the use of the property, the zoning of the property and such other relevant information.
- C. The customer may request a change in the character of service provided the following are met:
 1. All necessary piping changes that are required to conform to metering requirements of the rate schedule set forth in Exhibit B of this Chapter shall be met. All necessary piping changes shall be made at the expense of the customer.
 2. All applicable metering requirements as set forth Rule 18 Exhibit A of this Chapter shall be met. All applicable metering requirements shall be made at the expense of the customer.
 3. Any commercial rate customer may apply to the City to change to the multi-family residential rate provided the service meets the provisions of paragraph E below. The customer shall provide information regarding the number of dwelling units. Upon verification by the City, the change in classification will be completed.
 4. A change of classification shall be permanent unless the use of the water no longer meets the description of residential service.
 5. No retroactive credit shall be applied to a customer account for water consumption prior to the city's approval of an application for a change of classification.

D. SINGLE FAMILY RESIDENTIAL SERVICE.

Single family residential service shall apply where a single water meter serves only on dwelling unit for normal domestic water use. A dwelling unit is defined in subsection 25-1.1 SFCC 1987. The meter may also serve uses commonly associated with the dwelling unit such as home occupations, as set forth in Chapter 14 SFCC 1987 and licensed by the city, swimming pools, and spas and landscaping.

E. MULTI-FAMILY RESIDENTIAL SERVICE.

Multi-Family Residential service shall apply where a single water meter serves more than one dwelling unit for normal domestic water. A dwelling unit is defined in subsection 25-1.1 SFCC 1987. The meter may also serve uses commonly associated with multiple dwelling units such as home occupations, as set forth in Chapter 14 SFCC 1987 and licensed by the city, swimming pools, spas, landscaping and common rooms etc. provided that their use is limited to the residents and their guests and are not open to the general public or to memberships for persons not residing there. Golf courses are not considered a use commonly associated with multiple dwelling units.

F. COMMERCIAL SERVICE.

Commercial water service shall apply where the water meter(s) serves a use not classified as single family residential or multi-family residential service set forth above. Commercial water service shall also apply where the water meter(s) serves a combination of residential and commercial services.

(Ord. # 2005-2, §6)

4. APPLICATION FOR SERVICE

- A. Applications for water service shall be made at the City business office, in person or by telephone. Applications shall be in a form prescribed by the City and shall include those customer requirements listed in Rule 10 B. The City shall have a reasonable time to provide water service, once the application has been accepted. Written contracts are required for all classes of service other than service to residential customers or commercial customers accepting service under the applicable Rate Schedule if no extension of facilities is required. Extensions of facilities made in accordance with Rule 19 or under Rate Schedule No. 9, Utility Expansion Charge, will require a written contract prior to the provision of service.
- B. A reconnection fee shall be paid by an applicant for transfer of existing service or for service which has been previously disconnected by the City from any system operated by the City. In addition to the reconnection fee, the applicant shall pay all delinquent fees and charges owed to the City.

- C. The conditions of piping and character of installation on the premises shall be subject to inspection by the City and be approved by the appropriate governmental inspection agency, and if such piping and/or installation is found to be faulty, the City may refuse to provide service until, and after, such faulty installation has been corrected to the satisfaction of such appropriate governmental agency or the City. The City does not, however, assume the responsibility for such inspections and shall not be held liable for failure of such piping or installations.
- D. The City reserves the right to limit each lot to a maximum daily average usage.
- E. To enable the City to provide adequate service facilities, the customer shall be required to provide load information on new construction or alterations sufficiently in advance of the date upon which the customer expects water service to commence.
- F. The City shall supply service within a reasonable time after the application or agreement is approved, and after any necessary permits shall have been obtained. It is the responsibility of the customer to comply with all applicable codes and to obtain the necessary permits from governmental authorities. If, due to circumstances beyond the control of the City, service cannot be furnished within a reasonable length of time, the customer shall be advised promptly regarding the delay.
- G. New or additional service will be limited to available unreserved capacity in production, transmission and distribution facilities, and commensurate with the City's available water rights. In all cases where such existing facilities are limited, the City may require a written contract for a suitable initial contract period, adequate to warrant the investment and reservation of capacity required to render such service.

5. RESERVED*

6. RESERVED**

7. RESERVED***

8. SERVICE CONNECTION

- A. A normal pressure within the range of fifty (50) to one hundred twenty-five (125) pounds can ordinarily be made available in areas contiguous to existing lines and at the pressures indicated for normal operations within established pressure zones. Where applications for service are received which would involve service to elevations either above or below the established elevation, special engineering and economic studies may be required which could result in other than normal equipment requirements to provide such service. All circumstances will be taken into account in determining the feasibility of rendering service and where feasible the extensions will be made subject to the provisions outlined in Rule No. 19, Line Extension Policy, or Paragraphs F. and G. below.
- B. A separate service is required for each legal lot of record. Separate meters are required as set forth in Rule 18, Exhibit A of Chapter 25 SFCC 1987.
- C. The customer shall install a stop and waste cock, or equivalent, on his/her yard line in order to control the water flow in his/her entire water system. Such valve shall be located in an accessible place for easy operation by the customer.
- D. The entire cost of an installation required for customer fire protection service pursuant to Rule No. 30 for standby service or for irrigation service, shall be borne by the customer. The monthly minimum charge shall be made to cover normal customer accounting costs plus anticipated operating and maintenances costs for all City facilities required plus a reasonable capacity charge for off-site water facilities held in reserve for use on demand of the customer. An approved backflow prevention device shall be installed by the customer in his/her fire, standby or irrigation line beyond the metering installation.
- E. No cross-connection with any other source of water shall be made to a customer's piping which is connected to the City's lines.
- F. Where the normal water pressure is determined by the customer to be less than his/her requirements, the customer shall install a booster pump and pressure storage tank. The design for any such installation, including an approved backflow preventer, shall be submitted to the City for approval, such approval shall be received prior to any construction.
- G. Where the normal water pressure is determined by the customer to be greater than his/her requirements, the customer shall install an adjustable pressure regulating device in his/her piping system approved by all appropriate governmental agencies.
- H. An adjustable pressure regulator approved by all appropriate governmental agencies shall be installed by the customer on all new services before water service will be connected and it shall be so located as to control the pressure in the customer's entire piping system.
- I. All piping and plumbing installations made by the customer or under responsibility of the customer shall conform with applicable City codes or regulations.
- J. All 3/4", 1", 1-1 1/2", and 2" services installed by the City shall be subject to the applicable base meter service charge as detailed in Rate Schedule 7.
- K. Meters shall comply with Rule 18, Exhibit A of Chapter 25 SFCC 1987.
- L. Use of the City's curb or meter shut-off valve by customer or customer's agent is prohibited. (Ord. # 2003-25, §51; Ord. # 2005-2, §7)

9. DISCONTINUANCE AND DENYING RESTORATION OF SERVICE

- A. The City shall not discontinue service for those situations described in subsection 15-1.7C SFCC 1987.
- B. Discontinuance of service for delinquent accounts or for failure to comply with payment arrangements, as set forth in paragraph D.4 below, shall

occur only between the hours of 8:00 a.m. to 3:00 p.m., Monday through Thursday and shall not occur less than twenty-four (24) hours prior to a holiday or weekend unless the City's designated business office is open for receipt of payment and City personnel are available to restore such service upon payment. All other discontinuance of service may occur as necessary.

- C. Any customer whose service is discontinued under the provisions of this section shall be required to pay a reconnection fee in addition to all other applicable fees and charges before being reconnected. All reconnections shall be made in accordance with the reconnection provisions in this chapter.
- D. The City may discontinue service when the following occurs:
 - 1. Without prior notice:
 - a. A condition is determined by the City to be hazardous.
 - b. A customer tampers with, damages or destroys the equipment furnished and owned by the City.
 - c. There is unauthorized use of service or connection to service provided by the City.
 - d. There is a severe leak as determined by the City.
 - 2. With twenty-four (24) hour prior notice:
 - a. When the City finds evidence of excessive waste of water by a customer.
 - b. If after the twenty-four (24) hour notice, the customer has failed to either correct the condition causing excessive use or to demonstrate to the City's satisfaction why the customer cannot correct the condition or comply with this time period, the City may discontinue service.
 - 3. With three (3) day notice:
 - a. If the customer refuses to grant access at reasonable times to the City, after having been shown proper credentials and identification, to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.
 - b. There is a minor leak as determined by the City.
 - c. A customer fails to furnish such service, equipment, permits, certificates, and/or rights-of-way, as specified by the City as a condition to obtaining service, or in the event such equipment or permission is withdrawn or terminated.
 - d. A customer fails to fulfill contractual obligations for utility service and/or facilities other than payment arrangements.
 - 4. With ten (10) day prior notice followed by a two (2) day contact:
 - a. If any charge remains unpaid for a period of thirty (30) days from the "due" date on the customer's utility bill or
 - b. If a customer fails to comply with the terms of a payment arrangement.
 - c. The City shall also take reasonable steps to communicate with a 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.
- E. Notices shall be as follows:
 - 1. All notices shall be in writing in simple language in both English and Spanish and include the following:
 - a. A statement of the reason(s) why the City intends to discontinue service.
 - b. A statement that the customer may appeal the proposed discontinuance of service as set forth in subsection 15-1.8 SFCC 1987.
 - c. A statement of the cost of reconnection.
 - d. A statement that the City will not discontinue service to any residence where a seriously ill person or person whose life may be endangered by discontinuance of service resides.
 - e. A blank medical certificate, which shall permit a practitioner of the healing arts to indicate the expected duration of the residential customer's serious illness or life endangering situation.
 - f. A form for demonstrating how the residential customer with a serious illness or life endangering situation has inadequate financial resources to correct the condition causing discontinuance of service.
 - 2. All ten (10) day notices shall also include the following:
 - a. The amount owed and the date by which the customer must pay the amount due or enter into a payment arrangement with the City if the customer has not already entered into one. The consumption period over which said amount was incurred, the date, and the amount of the last payment shall be available on request.
 - b. A statement that if the customer pays that portion of the bill which is not in a bona fide dispute, the customer may appeal the portion of the bill which the customer does dispute as set forth in subsection 15-1.8 SFCC 1987.
 - c. The title(s), address, telephone number(s) and working hours of the designated City staff responsible for carrying out the rights described in this section.
 - 3. Notices shall be deemed effective as follows:

- a. Twenty-four (24) and three (3) day notices shall be hand delivered to the service address and shall be deemed effective immediately upon delivery.
- b. Ten (10) day notices shall be mailed to the customer's billing address and shall be deemed effective three (3) days from the date of the letter.
- F. A properly executed medical certificate form shall be adequate to delay discontinuance of water service, as set forth in paragraphs D.2, D.3 or D.4 above, for at least thirty (30) days and, at the City's option, the City may delay discontinuance for up to one hundred twenty (120) days or for a longer period of time. The City 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 on which the certificate is based appear to have changed, the City may require additional certification. If service has been discontinued, the City shall reestablish service within twelve (12) hours of receipt of the medical certificate.
- G. The city employee personally contacting a customer two (2) days prior to discontinuance, as set forth in paragraph D.3c. above, or the City employee sent to discontinue utility services, as set forth in paragraphs D.2, D.3 or D.4 above, shall note any information which is made known to the employee by the customer regarding any resident's seriously ill or life endangering health condition, such as whether a resident is physically disabled, frail or elderly. Such information shall be immediately reported in writing to the City employee authorized to prevent discontinuance. That employee shall either delay the discontinuance order if it is apparent that a properly executed medical certificate will be received, or shall state in writing why such delay is not being affected. The City and City employee's noting of the information made known by the customer, and acting upon such information or failing to act on such information in good faith, shall cause the City and City employee to be held harmless for any error made or damages incurred.
- H. If a residential customer has arranged with the City to participate in a third party notification program, as set forth in subsection 15-1.7B SFCC 1987, the City shall not discontinue service to the customer for delinquent accounts or failure to comply with payment arrangements without:
 - 1. Contacting the designated person, organization or governmental agency by phone or in writing at least ten (10) days prior to the proposed discontinuance of service.
 - 2. Determining that the designated person, organization or governmental agency has not made a commitment to assist payment of the delinquent account or compliance with the payment arrangement within a reasonable period of time.
(Ord. #2003-25, §52)

10. RESPONSIBILITY FOR WATER SERVICE EQUIPMENT

A. RESPONSIBILITY OF THE CITY.

- 1. The City will design, install, own, operate and maintain the complete water system up to the point of delivery including meter setting and meter.

B. RESPONSIBILITY OF THE CUSTOMER.

- 1. The customer shall install, own and maintain all facilities beyond the point of delivery.
- 2. The customer or property owner must exercise due care for the protection of the property of the City on the customer's premises.
- 3. The customer agrees, in accepting service, that no one except the employees of the City shall be allowed to make an internal or external adjustment of any meter or any other piece of apparatus which is the property of the City, except as set forth in this paragraph.
 - a. If there is no water shut off available on the customer's property, the customer, or the customer's representative, licensed to work in the city, may temporarily shut off water service at the meter when there is a water emergency or the customer is doing planned plumbing work and to verify a leak. For the purposes of this paragraph, a water emergency exists on the property served by the meter when property damage would occur if the water service is not shut off immediately.
 - b. Prior to shutting off water service at the meter, the City's water division shall be contacted. After turning the water service back on, the City's water division shall be contacted, again.
 - c. Within 48 hours, the water division will inspect the water meter to determine if the water meter has been properly restored. If the meter has not been properly restored, the customer shall be responsible for the costs incurred by the city to make the necessary corrections.
 - d. City staff shall provide information to the public through the City's website regarding the proper method for shutting off water service at the meter.
 - e. This paragraph shall not authorize the adjustment of a meter for the purposes of obtaining water without proper payment.
- 4. Facilities or equipment necessary for any special requirements shall be installed and maintained by the customer.
- 5. The City 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 City.
(Ord. No. 2011-13, §1)

11. INTERRUPTION OF SERVICE

- A. The City reserves the right to interrupt service for a reasonable period for maintenance and repairs to its property or equipment.
- B. The City will strive to furnish adequate, efficient and reasonable service. Interruption of service should be reported promptly by the customer to the City. The City will endeavor to restore service within a reasonable time.
- C. The City will use reasonable diligence to furnish a regular and uninterrupted supply of water; however, interruptions or partial interruptions may occur or service may be curtailed or fail as a result of circumstances beyond the control of the City, including but not limited to those caused by public enemies, accidents, strikes, legal processes, damages to transmission or distribution facilities of the City, repairs or changes in the City's transmission or distribution facilities. The City will endeavor to give reasonable notice in advance of any planned shutoff.

- D. Customers whose service requirements exceed those normally should advise the City and contract for additional facilities as may be required. The City will not, under any circumstances, contract to provide one hundred percent (100%) reliability. (Ord. #2003-25, §53)

12. RESERVED*

13. ACCEPTABLE STANDARDS

The City will adhere to the applicable state minimum design and construction standards as established under state law.

14. RESERVED**

15. UNAUTHORIZED CONNECTIONS

Domestic water service furnished by the City to any customer shall be used only in connection with such customer's residence, dwelling, or building to which the City's water service is piped. No additional facilities or supplies shall be connected to the existing service nor shall service be piped from one residence, dwelling, or building to another residence, dwelling or building without first obtaining a written permit, authorization and/or statement of requirements from the City, and without first complying with any such requirements.

16. STOPPAGE OR OBSTRUCTIONS OF SERVICE

The City shall not be responsible for the stoppage or obstruction or breaks in facilities or lines of the customer.

17. TEMPORARY AND SPECIAL SERVICES

- A. Where service connections are available, temporary service will be furnished under the City's established rules, regulations, and rates for the type of service required; provided, however, that the customer shall pay, in addition to the cost of service rendered under its applicable rate, the cost of installing and removing, or of connecting and disconnecting the necessary facilities required to provide such service.
- B. The rate to be charged for water supplied under temporary service will be in accordance with the City's existing applicable schedules for commercial or residential service, as appropriate. Water service for specialized usage shall be considered as a special case when not covered by a specific filed rate schedule for the specialized usage.
- C. Where water service is supplied directly to a trailer or other temporary or portable structure, the City may require that the Application for Service be in the name of the owner of the real estate on whose land the trailer or other portable structure is located. In such case, the monthly bill will be suitably identified as may be requested by the property owner, but it will be addressed to the property owner, and the property owner will be responsible for payment of same. For such temporary service, the applicable rate schedules shall apply.
- D. Where water service is supplied to individual trailers, mobile homes and other portable structures, the customer shall pay for the installation and removal cost of providing this service. Payment shall be made in advance of construction in accordance with Rate No. 7.
- E. The City reserves the right to furnish or not to furnish water for any type of temporary use and further, to define the conditions under which the water will be supplied. See Rule No. 20, Limitations and Restrictions of Use of Water. Continuous service under normal conditions to existing customers shall take priority over customers receiving temporary service.

18. METERS

A. SEPARATE METERS REQUIRED – NEW APPLICATIONS FOR SERVICE.

Applications requesting service after March 11, 2005 shall comply with the following:

- 1. All dwelling units shall be separately metered except as set forth in this paragraph. A dwelling unit is defined in subsection 25-1.1 SFCC 1987.
 - a. Where there are more than one dwelling unit in a building (multi-family buildings such as apartment and condominium complexes), each dwelling unit shall either be separately metered or the building shall have a master meter and each dwelling unit shall have a sub-meter. A sub-meter is defined in subsection 25-1.1 SFCC 1987. If the building has a master meter, home owner associations, condominium boards, management companies, landlords and other such property owners shall comply with master meter requirements established by resolution of the governing body.
 - b. Mobile home parks where spaces are available to rent in existence prior to December 8, 2010 may have a master meter provided that each mobile home has a sub-meter. The owner/operator of the mobile home park shall comply with master meter requirements established by resolution of the governing body.
- 2. All new buildings shall be separately metered. All existing buildings, other than dwelling units, requiring water service for each part of the building, if the part is or may be occupied by a separate owner or tenant, may be separately metered. Building is defined in subsection 25-1.1 SFCC 1987.
- 3. Separate meters shall be required for irrigation for commercial customers unless the total landscaped area on the lot is less than 1000 square feet.

B. SEPARATE METERS REQUIRED – BUILDING PERMIT APPLICATIONS.

The following building applications submitted to the City after March 11, 2005 shall comply with paragraph A above.

- 1. Additions or remodeling of existing structures that disturb greater than 1000 square feet of land area, or have a valuation over \$80,000.

2. A dwelling unit as defined in subsection 25-1.1 SFCC 1987.
3. New tenant improvements within an existing shell building.

C. OWNERSHIP OF METERS.

All meters used in connection with metered service shall be furnished, installed, maintained, and owned by the City.

D. LOCATION OF METERS.

1. The City shall specify the meter location and point of delivery to any premises, at the curb, property line or alley, and the City shall be contacted for exact information locating the point of delivery before any piping of customer's system has been started. If such information is not obtained by customer in writing, expensive changes in piping installation may result for which the City shall not be held liable in any way and will not assume any responsibility.
2. When a building or property includes more than one unit requiring separate meters, all of the meters shall be grouped adjacent to each other and shall be individually numbered and identified according to the units served.
3. In order to provide service from the nearest water main installed in public right-of-way, a customer's meter and the water line connecting the meter to a structure will be relocated when a water main is installed in a public right-of-way which abuts customer's property. This will only be required when the project is undertaken to improve the customer's water service and to eliminate water mains on private easements wherever possible.

E. UNAUTHORIZED SETTING OR MOVING OF METERS.

No person shall set or move a water meter without first obtaining written permission from the water division and complying with any requirements of the City.

F. METER SIZE.

The size of the water meter shall be as determined by the city water division based upon the nature of the customer classification and the proposed and/or potential use of the property.
(Ord. # 2006-53, §36; Ord. #2010-5, §1; Ord. #2010-30, §2)

19. LINE EXTENSION POLICY

- A. Whenever an extension of City's water lines is required to serve an applicant, or group of applicants, extension will be made under the following terms and conditions.
- B. All line extensions shall be sized to provide adequate domestic and fire protection service, including fire hydrants to meet requirements for fire protection. In the event that the system master plan requires a larger line size than is required to serve the applicant's needs, the City shall absorb the difference in investment between the applicant's required line size and the line size required by the plan; but in no event shall the extension be based on lines smaller than those needed for applicant's domestic and fire service requirements. Normal minimum distribution line size for adequate fire protection is six inches (6") diameter. In the event that it is determined that less than six inches (6") diameter facilities are necessary to provide adequate domestic and fire protection service, the applicant shall be charged on the basis of actual cost. The maximum distribution facilities to be charged to the applicant shall be eight inches (8") diameter facilities. The applicant shall be charged on the basis of actual cost. Meter and service lines are a portion of the distribution facilities to be paid by the applicant. The City shall be the sole judge of proper line sizing.
- C. Investment in the line extension shall be based on extensions made to the furthest limit of the property to be served. The furthest limit shall mean that point at which the main exits from the property, then being served, as it continues its planned course. In the case of corner property, the City will exercise its judgment, in light of standard procedures for non-corner properties, as to the definition of that point, so as to avoid undue burden to the owner of the corner property. The extension will be made from the nearest adequately sized distribution main.
- D. The investment in the line extension required to serve the applicant's domestic and fire protection requirements as specified by Paragraph B above will be paid in total by the applicant requesting the line extension.
- E. The City shall not under any condition be required to make an extension that would be unprofitable and thereby cause undue hardship to existing customers.
- F. All lines within incorporated cities, towns, and communities will be constructed in existing public roads, streets, City-owned land alleys, or easements. The applicant shall furnish such rights-of-way as are required without charge to the City over property owned by said applicant and shall assist the City in securing other rights-of-way necessary to provide service over property not owned by said applicant.
- G. Where unusual circumstances exist and at the sole option of the City, an extension may be made under a special long-term contract providing the contract terms are such that no adverse affects will be imposed on City's existing customers.
- H. Special conditions which affect the furnishing of water service to an applicant or group of applicants such as elevation, terrain, volume of water available in existing mains and other conditions resulting in increased costs to the City in providing water service shall be taken into consideration by the City and the cost thereof shall be included in estimating the cost of providing service.
- I. The total construction cost for the line extension as set forth in Paragraph B above shall be paid as an advance in aid of construction by the applicant but it shall be subject to future refunds to that applicant if water service is provided to a new customer within ten (10) years from the date of the original line extension agreement between the City and applicant, provided the new customer's property abuts applicant's line extension (other than at the end of applicant's line extension) and (i) the City connects the service line or line extension for said new customer's water service to applicant's line extension, or (ii) applicant's line extension is necessary for domestic or fire flow service to said new customer. The determination of whether the service line or line extension for a new customer's water service should be connected to an existing line extension and, if so, the particular line extension to which it should be connected, and the determination of whether applicant's line extension is necessary for the City's provision of domestic or fire flow service to a new customer, shall be made by the City in its discretion, based on engineering considerations and the City's plans for the development of its water system. The amount of the refund to be made to applicant on account of a new customer's water service shall be determined by the City, based on a front foot basis for individual lots or on an acreage basis for undeveloped tracts, calculated as a percentage of the footage and/or acreage for the probable total parcels already connected and to be connected to applicant's line extension and the probable total

parcels which already require or will require applicant's line extension for the City's provision of domestic or fire flow service. If a refund is determined to be required pursuant to the foregoing provisions, the City shall bill the new customer for the appropriate amount and, upon receipt thereof, shall refund said amount to applicant if it can be determined that applicant still exists and can be readily located. Refunds made under this provision shall not exceed the amount of applicant's contribution in aid of construction less that portion needed to serve applicant. The provisions of this paragraph apply to connections to, and the required provision of domestic or fire flow service from, all line extensions already in existence and all line extensions installed after the effective date of this rule.

- J. Lines determined by the City to be primarily for purposes of a master plan will be installed by the City or at the City's direction. Customers causing subsequent connections or extensions for development to properties directly abutting or benefiting from such lines and future development areas to be serviced by this line which were undeveloped at the time of the extension, shall reimburse the City for a pro rata share of the line as follows:

The pro rata costs shall be based on those size lines and appurtenances which would have been required to serve the development with adequate domestic and fire protection service.

Costs which are included in City's calculation of the Utility Expansion Charge are excluded from the provisions of this Line Extension policy.

- K. Customers served from facilities that have been installed under Paragraph I. or J. will be charged in accordance with applicable Paragraphs B, C, D, and H.
- L. "Property to be served" is defined as that property described by applicant in the application for building permit as required by the Uniform Building Code adopted by the City.

20. LIMITATIONS AND RESTRICTIONS OF USE OF WATER

- A. Before undertaking anything which will use unusually large quantities of water, the City shall be consulted for its approval of such additional service and for the terms and advice as to conditions under which the water will be supplied to the premises of the customer.
- B. Resale of water service or the furnishing of water service to others by customers will not be permitted except where such resale or furnishing of service is provided for in the applicable rate schedule and in a written agreement between the customer and the City.
- C. The City reserves the right to limit the size of service connections or openings through which its service is furnished and to prohibit the customer's waste or the flow of excessive quantities of water which exceed or strain the capacity of the City for supplying water to all customers. Noncompliance of this rule by any customer shall constitute grounds for discontinuing service in accordance with Rule No. 9, Discontinuance and Denying Restoration of Service.

21. RESERVED*

22. CUSTOMER COMPLAINT PROCEDURES

- A. Except as set forth in paragraph E. below, inquiries or complaints concerning the application or interpretation of Chapter XXV may be made to the City either in person, by telephone or in writing. The customer shall direct the initial inquiry or complaint to those persons designated by the City to resolve such complaints on behalf of the water utility. In the event that the customer is not satisfied with the action of such City representative, the customer may direct a written complaint to the City's Water Division Director (Director). Such written complaints received by the Director shall be fully investigated and a written decision shall be provided to the customer by the Director. Any customer who does not file a written complaint with the Director within sixty (60) days of the decision or action of the City which is the subject of the complaint shall waive any right to contest such decision or action.
- B. Should the customer not be satisfied with the written decision of the Director, the customer may then appeal that decision to the Public Utilities Committee (Committee), requesting a hearing at one of its regular meetings. Any customer who does not file a written appeal with the Committee within thirty (30) days of the date of mailing of the decision of the Director regarding the customer's written complaint shall waive any right to contest such decision. The customer who submits a written appeal to the Committee shall be notified of the meeting of the Committee at which the customer is to appear and present the complaint to the Committee for its consideration and review. The Committee may affirm or change the ruling of the Director or make a recommendation for a variance to the governing body. Any affirmation or change of the ruling of the Director by the Committee shall be consistent with these Rules and Regulations.
- C. Should the Committee find reasons for a variance from these Rules and Regulations, those reasons shall be stated in the official minutes of its meeting. The Committee shall refer the matter along with copies of its minutes and with its recommendation to the governing body in accordance with the governing body's procedures. Action of the Committee affirming or changing the ruling of the Director may be appealed by the customer or the Director to the governing body by submittal of a written appeal to the City Clerk stating the reasons of the appeal within thirty (30) days of the date of mailing of the Committee decision. The party appealing the Committee's decision shall give notice of the appeal to the other party. Failure to file written notice of appeal to the governing body within such thirty (30) days shall constitute a waiver of any right to contest the decision of the Committee.
- D. The governing body shall hear the appeal at a regularly scheduled public meeting and shall state the details of its decision in the official minutes of such meeting.
- E. This section shall not apply to disputes or appeals regarding utility billing, payment arrangements or discontinuance of service as set forth in Rule No. 9 of these regulations. Appeals or disputes regarding these issues shall comply with subsection 15-1.8 SFCC 1987. (Ord. #2003-25, §57)

23. RESERVED*

24. CUSTOMER'S SYSTEM

The piping system on customer's premises shall be inspected and approved by the appropriate governmental inspection agency before water service will be connected.

Cross-connections and/or backfill possibilities revealed by any inspection shall be eliminated before water service is provided to a new customer or continued to an existing customer. The City does not assume the responsibility for piping inspections and shall not be held liable for failure of customer's piping or installation; however, the City will cooperate with both the customer and the responsible governmental agency to effect changes necessary in the piping system or installation, in order to provide or continue to provide water service without undue delay.

25. REQUIREMENTS OF CONTRACTS

- A. Special written contracts are normally not required from customers receiving service under the applicable residential or commercial Rate Schedule who do not require a line extension agreement.
- B. All customers not covered by A. above will be provided service only after the customer executes either the City's standard agreement for water service or, in special cases, an appropriate contract.
- C. All contracts between the City and its customers shall contain substantially the following clauses:

The City reserves the right to modify the rates set forth herein at any time, and from time to time, through the adoption of new rate schedules or rules and regulations by the governing body, and the rates, terms and conditions of service hereunder shall be deemed modified at such time as such rate schedules or rules and regulations become effective. Nothing herein contained shall be construed to prevent or prohibit customer from asserting or claiming any right before any legally constituted body to which it may be entitled.

- D. All customer installations shall comply with the Plumbing Code of the State of New Mexico and any other legally applicable codes.

26. RESERVED*

27. RESERVED**

28. FIRE HYDRANTS

- A. In order to assure proper operation of fire hydrants, no water shall be drawn through any fire hydrant for any other purpose than fire protection, except as provided by special permit from the City or in accordance with Rate Schedules No. 9.
- B. In the event City's main line is inadequate to provide fire hydrant service as requested by the customer, refer to Rule No. 19, Line Extension Policy.
- C. Refer to Rate Schedules No. 5 and 9 for fire hydrant charges.

29. FIRE PROTECTION SERVICE

- A. A customer desiring private fire protection service, in addition to regular water service, shall make such request in writing to the City prior to construction of the fire protection service.
- B. If water main facilities are available for such service as determined by the City, the customer will install, at his/her own expense, a complete and separate piping system extending and connecting to the City's facilities. This may include a meter pit of sufficient size to house the necessary valves, meters, piping, etc., all of which shall be as specified by the City. The location of this pit will be determined by the City.
- C. The City will furnish and install the necessary metering at the expense of the customer.
- D. In the event the City's water mains are inadequate to provide the requested fire protection service or if extension of a main is required, refer to Rule No. 19, Line Extension Policy.

30. GENERAL RULES WITH RESPECT TO LARGE USERS OF WATER

- A. Before a customer proceeds with the purchase of any equipment which will necessitate the use of large quantities of water within short periods of time, the City shall be consulted for advice as to the best method of installation and for information concerning the conditions under which the water will be supplied to the premises of the customer.
- B. In general, the City reserves the right to limit the size of service connections or openings through which its service is furnished for filling storage tanks, locomotive tenders, hydraulic equipment, private fire service, or other classes of service capable of drawing relatively large quantities of water and thereby causing undue fluctuations of pressures in portions of the City's system.
- C. Service information will be supplied to the new customer upon application to the City for service.

**CITY OF SANTA FE
PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
EXHIBIT B WATER SERVICE RATE SCHEDULES
(Subsection 25-4.2)**

WATER SERVICE RATE SCHEDULES

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EFFECTIVE: JULY 1, 1995

AMENDED: JANUARY 12, 2000
APRIL 11, 2001
MAY 9, 2001
SEPTEMBER 24, 2001
JANUARY 16, 2002
MAY 8, 2002
AUGUST 11, 2004
FEBRUARY 9, 2005
AUGUST 28, 2006 (EFFECTIVE JANUARY 1, 2007)
OCTOBER 29, 2007
JANUARY 9, 2008
JANUARY 28, 2009 (EFFECTIVE MARCH 1, 2009)

RATE SCHEDULE 1A
Effective March 1, 2009 through December 31, 2009

RESIDENTIAL, MULTI-FAMILY COMMERCIAL	
Meter Size	Monthly Service Charge
5/8" or 3/4"	\$13.44
1"	\$26.88
1 1/2"	\$53.75
2"	\$107.51
3"	\$215.02
4"	\$389.71
6"	\$860.06
8"	\$1,531.98

MONTHLY VOLUME CHARGE		
RESIDENTIAL		
All meter sizes	Sept. –	\$04.43/1,000 gallons for first 7,000 gallons
	April*	\$15.84/1,000 gallons thereafter
	May –	\$04.43/1,000 gallons for first 10,000 gallons
	Aug*	\$15.84/1,000 gallons thereafter
MULTI-FAMILY		
All meter sizes	Sept. –	\$04.43/1,000 gallons for first 7,000 gallons per dwelling unit
	April*	\$15.84/1,000 gallons per dwelling unit thereafter
	May –	\$04.43/1,000 gallons for first 10,000 gallons per dwelling unit
	Aug*	\$15.84/1,000 gallons per dwelling unit thereafter
COMMERCIAL		
5/8" or 3/4" meter	Sept. –	\$04.43/1,000 gallons for first 7,000 gallons
	April*	\$15.84/1,000 gallons thereafter
	May –	\$04.43/1,000 gallons for first 10,000 gallons
	Aug*	\$15.84/1,000 gallons thereafter
1" meter	Sept. –	\$04.43/1,000 gallons for first 14,000 gallons
	April*	\$15.84/1,000 gallons thereafter
	May –	\$04.43/1,000 gallons for first 20,000 gallons
	Aug*	\$15.84/1,000 gallons thereafter
1 1/2" meter	Sept. –	\$04.43/1,000 gallons for first 28,000 gallons
	April*	\$15.84/1,000 gallons thereafter
	May –	\$04.43/1,000 gallons for first 40,000 gallons
	Aug*	\$15.84/1,000 gallons thereafter
2" meter	Sept. –	\$04.43/1,000 gallons for first 56,000 gallons
	April*	\$15.84/1,000 gallons thereafter
	May –	\$04.43/1,000 gallons for first 80,000 gallons

	Aug*	\$15.84/1,000 gallons thereafter
3" meter	Sept. – April*	\$04.43/1,000 gallons for first 112,000 gallons \$15.84/1,000 gallons thereafter
	May – Aug*	\$04.43/1,000 gallons for first 160,000 gallons \$15.84/1,000 gallons thereafter
4" meter	Sept. – April*	\$04.43/1,000 gallons for first 203,000 gallons \$15.84/1,000 gallons thereafter
	May – Aug*	\$04.43/1,000 gallons for first 290,000 gallons \$15.84/1,000 gallons thereafter
6" meter	Sept. – April*	\$04.43/1,000 gallons for first 448,000 gallons \$15.84/1,000 gallons thereafter
	May – Aug*	\$04.43/1,000 gallons for first 640,000 gallons \$15.84/1,000 gallons thereafter
8" meter	Sept. – April*	\$04.43/1,000 gallons for first 798,000 gallons \$15.84/1,000 gallons thereafter
	May – Aug*	\$04.43/1,000 gallons for first 1,140,000 gallons \$15.84/1,000 gallons thereafter

*(utility billing date)

RATE SCHEDULE 1B
Effective January 1, 2010 through December 31, 2010

RESIDENTIAL, MULTI-FAMILY, COMMERCIAL	
Meter Size	Monthly Service Charge
5/8" or 3/4"	\$14.54
1"	\$29.08
1 1/2"	\$58.16
2"	\$116.33
3"	\$232.65
4"	\$421.67
6"	\$930.58
8"	\$1,657.60

MONTHLY VOLUME CHARGE		
RESIDENTIAL		
All meter sizes	Sept. – April*	\$04.79/1,000 gallons for first 7,000 gallons \$17.14/1,000 gallons thereafter
	May – Aug*	\$04.79/1,000 gallons for first 10,000 gallons \$17.14/1,000 gallons thereafter
	MULTI-FAMILY	
All meter sizes	Sept. – April*	\$04.79/1,000 gallons for first 7,000 gallons per dwelling unit \$17.14/1,000 gallons per dwelling unit thereafter
	May – Aug*	\$04.79/1,000 gallons for first 10,000 gallons per dwelling unit \$17.14/1,000 gallons per dwelling unit thereafter
	COMMERCIAL	
5/8" or 3/4" meter	Sept. – April*	\$04.79/1,000 gallons for first 7,000 gallons \$17.14/1,000 gallons thereafter
	May – Aug*	\$04.79/1,000 gallons for first 10,000 gallons \$17.14/1,000 gallons thereafter
	1" meter	Sept. – April*
May – Aug*		\$04.79/1,000 gallons for first 20,000 gallons \$17.14/1,000 gallons thereafter
COMMERCIAL—CONTINUED		
1 1/2" meter	Sept. – April*	\$04.79/1,000 gallons for first 28,000 gallons \$17.14/1,000 gallons thereafter
	May – Aug*	\$04.79/1,000 gallons for first 40,000 gallons \$17.14/1,000 gallons thereafter
	2" meter	Sept. – April*
May – Aug*		\$04.79/1,000 gallons for first 80,000 gallons \$17.14/1,000 gallons thereafter
3" meter		Sept. – April*
	May – Aug*	\$04.79/1,000 gallons for first 160,000 gallons \$17.14/1,000 gallons thereafter
	4" meter	Sept. –

	April*	\$17.14/1,000 gallons thereafter
	May – Aug*	\$04.79/1,000 gallons for first 290,000 gallons \$17.14/1,000 gallons thereafter
6" meter	Sept. – April*	\$04.79/1,000 gallons for first 448,000 gallons \$17.14/1,000 gallons thereafter
	May – Aug*	\$04.79/1,000 gallons for first 640,000 gallons \$17.14/1,000 gallons thereafter
8" meter	Sept. – April*	\$04.79/1,000 gallons for first 798,000 gallons \$17.14/1,000 gallons thereafter
	May – Aug*	\$04.79/1,000 gallons for first 1,140,000 gallons \$17.14/1,000 gallons thereafter

*(utility billing date)

RATE SCHEDULE 1C
Effective January 1, 2011 through December 31, 2011

RESIDENTIAL, MULTI-FAMILY, COMMERCIAL	
Meter Size	Monthly Service Charge
5/8" or 3/4"	\$15.73
1"	\$31.46
1 1/2"	\$62.93
2"	\$125.87
3"	\$251.73
4"	\$456.25
6"	\$1,006.89
8"	\$1,793.52

MONTHLY VOLUME CHARGE		
RESIDENTIAL		
All meter sizes	Sept. – April*	\$05.18/1,000 gallons for first 7,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 10,000 gallons \$18.55/1,000 gallons thereafter
MULTI-FAMILY		
All meter sizes	Sept. – April*	\$05.18/1,000 gallons for first 7,000 gallons per dwelling unit \$18.55/1,000 gallons per dwelling unit thereafter
	May – Aug*	\$05.18/1,000 gallons for first 10,000 gallons per dwelling unit \$18.55/1,000 gallons per dwelling unit thereafter
COMMERCIAL		
5/8" or 3/4" meter	Sept. – April*	\$05.18/1,000 gallons for first 7,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 10,000 gallons \$18.55/1,000 gallons thereafter
1" meter	Sept. – April*	\$05.18/1,000 gallons for first 14,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 20,000 gallons \$18.55/1,000 gallons thereafter
1 1/2" meter	Sept. – April*	\$05.18/1,000 gallons for first 28,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 40,000 gallons \$18.55/1,000 gallons thereafter
2" meter	Sept. – April*	\$05.18/1,000 gallons for first 56,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 80,000 gallons \$18.55/1,000 gallons thereafter
3" meter	Sept. – April*	\$05.18/1,000 gallons for first 112,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 160,000 gallons \$18.55/1,000 gallons thereafter
4" meter	Sept. – April*	\$05.18/1,000 gallons for first 203,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 290,000 gallons \$18.55/1,000 gallons thereafter
6" meter	Sept. – April*	\$05.18/1,000 gallons for first 448,000 gallons \$18.55/1,000 gallons thereafter
	May – Aug*	\$05.18/1,000 gallons for first 640,000 gallons \$18.55/1,000 gallons thereafter

8" meter	Sept. –	\$05.18/1,000 gallons for first 798,000 gallons
	April*	\$18.55/1,000 gallons thereafter
	May –	\$05.18/1,000 gallons for first 1,140,000 gallons
	Aug*	\$18.55/1,000 gallons thereafter

*(utility billing date)

RATE SCHEDULE 1D
Effective January 1, 2012 through December 31, 2012

RESIDENTIAL, MULTI-FAMILY, COMMERCIAL	
Meter Size	Monthly Service Charge
5/8" or 3/4"	\$17.02
1"	\$34.04
1 1/2"	\$68.09
2"	\$136.19
3"	\$272.37
4"	\$493.66
6"	\$1,089.45
8"	\$1,940.59

MONTHLY VOLUME CHARGE		
RESIDENTIAL		
All meter sizes	Sept. –	\$05.60/1,000 gallons for first 7,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 10,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
MULTI-FAMILY		
All meter sizes	Sept. –	\$05.60/1,000 gallons for first 7,000 gallons per dwelling unit
	April*	\$20.07/1,000 gallons per dwelling unit thereafter
	May –	\$05.60/1,000 gallons for first 10,000 gallons per dwelling unit
	Aug*	\$20.07/1,000 gallons per dwelling unit thereafter
COMMERCIAL		
5/8" or 3/4" meter	Sept. –	\$05.60/1,000 gallons for first 7,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 10,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
1" meter	Sept. –	\$05.60/1,000 gallons for first 14,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 20,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
1 1/2" meter	Sept. –	\$05.60/1,000 gallons for first 28,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 40,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
2" meter	Sept. –	\$05.60/1,000 gallons for first 56,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 80,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
3" meter	Sept. –	\$05.60/1,000 gallons for first 112,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 160,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
4" meter	Sept. –	\$05.60/1,000 gallons for first 203,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 290,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
6" meter	Sept. –	\$05.60/1,000 gallons for first 448,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 640,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter
8" meter	Sept. –	\$05.60/1,000 gallons for first 798,000 gallons
	April*	\$20.07/1,000 gallons thereafter
	May –	\$05.60/1,000 gallons for first 1,140,000 gallons
	Aug*	\$20.07/1,000 gallons thereafter

*(utility billing date)

RATE SCHEDULE 1E
Effective January 1, 2013

RESIDENTIAL, MULTI-FAMILY COMMERCIAL

Meter Size	Monthly Service Charge
5/8" or 3/4"	\$18.42
1"	\$36.83
1 1/2"	\$73.67
2"	\$147.36
3"	\$294.70
4"	\$534.14
6"	\$1,178.78
8"	\$2,099.72

MONTHLY VOLUME CHARGE

RESIDENTIAL

All meter sizes	Sept. – April*	\$06.06/1,000 gallons for first 7,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 10,000 gallons \$21.72/1,000 gallons thereafter

MULTI-FAMILY

All meter sizes	Sept. – April*	\$06.06/1,000 gallons for first 7,000 gallons per dwelling unit \$21.72/1,000 gallons per dwelling unit thereafter
	May – Aug*	\$06.60/1,000 gallons for first 10,000 gallons per dwelling unit \$21.72/1,000 gallons per dwelling unit thereafter

COMMERCIAL

5/8" or 3/4" meter	Sept. – April*	\$06.06/1,000 gallons for first 7,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 10,000 gallons \$21.72/1,000 gallons thereafter
1" meter	Sept. – April*	\$06.06/1,000 gallons for first 14,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 20,000 gallons \$21.72/1,000 gallons thereafter
1 1/2" meter	Sept. – April*	\$06.06/1,000 gallons for first 28,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 40,000 \$21.72/1,000 gallons thereafter
2" meter	Sept. – April*	\$06.06/1,000 gallons for first 56,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 80,000 gallons \$21.72/1,000 gallons thereafter
3" meter	Sept. – April*	\$06.06/1,000 gallons for first 112,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$05.60/1,000 gallons for first 160,000 gallons \$18.55/1,000 gallons thereafter
4" meter	Sept. – April*	\$06.06/1,000 gallons for first 203,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 290,000 gallons \$21.72/1,000 gallons thereafter
6" meter	Sept. – April*	\$06.06/1,000 gallons for first 448,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 640,000 gallons \$21.72/1,000 gallons thereafter
8" meter	Sept. – April*	\$06.06/1,000 gallons for first 798,000 gallons \$21.72/1,000 gallons thereafter
	May – Aug*	\$06.06/1,000 gallons for first 1,140,000 gallons \$21.72/1,000 gallons thereafter

*(utility billing date)

APPLICABILITY: The water rate schedules reflect an increase of 8.20% per year. Any federal or state funds that are received for water projects covered in the water division's 10 year plan adopted by Resolution No. 2009-17 shall be used solely for reducing the rate increases that are planned for the four years subsequent to adoption of Ordinance No. 2009-2. None of these funds shall be used for plan expansion. The applicable rate shall be based upon the character of service as set forth in Rule 3 of Exhibit A, Chapter 25 SFCC 1987. Service will be furnished in accordance with the City's Rules and Regulations covering water service, available at the City's offices and on file with the office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions thereof are a part of this Schedule as if fully written herein.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

FIRE PROTECTION CHARGE: If the customer has a fire service line or lines for standby fire protection, the appropriate rate as provided in Rate Schedule 6, Fire Service Line, shall also be charged.

IRRIGATION METER: If the customer has an additional meter installed primarily for irrigation or other outdoor uses such as, but not limited to, pool or spa filling or vehicle washing, the same commodity and system charge as set forth above shall apply.

SPECIAL TAX AND ASSESSMENT CLAUSE: Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

MINIMUM CHARGE: The minimum charge under this Schedule shall be the monthly service charge.

REVIEW: Upon adoption of Ordinance No. 2009-2, the water division shall immediately begin a rate structure review. As part of this review, a recommendation shall be produced regarding a third tier for excessive use of water for Rate Schedule 1, an expansion of the poverty exemption set forth in 15-1.3 SFCC 1987 for low/fixed income customers, and an increase in the utility expansion charge set forth in Rate Schedule 8. The review and recommendation shall be completed as soon as possible in order to be in place for the May 2009 billing date.

USE OF SERVICE: Service shall not be resold or shared with others.

ADDITIONS AND EXTENSIONS: Additions or extensions under this Schedule shall be subject to the availability of existing water lines of adequate capacity to provide the service requested. The City shall not be required for purposes of supplying service hereunder to increase the capacity of its mains or to make any extensions thereto. Subject to the foregoing provisions, additional points of delivery may be requested, and the City, upon receipt of such requisition, shall furnish the water service in accordance with the rates contained in this Schedule.

OTHER CONDITIONS: Other conditions pertaining to application of service, water taps, disconnection and reconnection of service, responsibility for payment of bills, and other conditions are provided for in the City's Rules and Regulations, available at its Water Services Division's office.

SERVICE APPLICATION: All applications for services for one inch (1") and larger meters shall be covered by written agreement on the City's standard application form.

**CITY OF SANTA FE – PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 1A***

RESERVED

*Former Rate Schedule 1A, Multi-Family Residential Water Service, previously codified herein, was repealed by Ordinance No. 2006-53, §40. Former Rate Schedule 1A shall remain in effect until January 1, 2007.

**CITY OF SANTA FE – PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 2***

RESERVED

*Former Rate Schedule 2, Small Commercial Water Service, previously codified herein, was repealed by Ordinance No. 2006-53, §41. Former Rate Schedule 2 shall remain in effect until January 1, 2007.

**CITY OF SANTA FE – PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 3***

RESERVED

*Former Rate Schedule 3, Large Commercial Water Service, previously codified herein, was repealed by Ordinance No. 2006-53, §42. Former Rate Schedule 3 shall remain in effect until January 1, 2007.

**CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 4***

RESERVED

*Former Rate Schedule 4, Special Charges, previously codified herein, was repealed by Ordinance No. 2006-53, §43. Former Rate Schedule 4 shall remain in effect until January 1, 2007.

**CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 5**

PRIVATE FIRE HYDRANT SERVICE

APPLICABILITY: This rate applies to owners of private fire hydrants used for fire protection only. This Schedule is not applicable to resale, breakdown, or standby

service.

AVAILABILITY: Available only to installation existing and in service under this Schedule on or before June 30, 1969.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

RATES: The rate for fire hydrant service provided shall be the sum of A and B:

- A. For each private fire hydrant, \$54.52 per year payable monthly.
- B. SPECIAL TAX AND ASSESSMENT CLAUSE : Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

TERMS OF PAYMENT: The rates set forth above are net and payable within twenty (20) days from date of bill.

**CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 6**

FIRE SERVICE LINE

APPLICABILITY: This Fire Service Line rate applies to those individual customers who have a fire service line. This Schedule is not applicable to resale or breakdown service. Service will be furnished in accordance with the City's Rules and Regulations covering water service, available at the City's offices and on file with the office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions thereof are a part of this Schedule as if fully written herein.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

RATE: The rate for fire service lines shall be the sum of A and B:

A.

<u>Fire Service Line</u>	<u>Monthly Charge</u>
3"	\$ 21.19
4"	34.68
6"	68.39
8"	108.84
10"	159.89

NOTE: Fire service lines will be billed on a per customer basis.

- B. SPECIAL TAX AND ASSESSMENT CLAUSE : Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

TERMS OF PAYMENT: The rates set forth above are net and payable within twenty (20) days from date of bill.

**CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 7**

BASE METER SERVICE CHARGES

APPLICABILITY: This Base Meter rate is applicable to all 3/4-inch, 1-inch, 1 1/2-inch, and 2-inch services installed by the City in dirt, gravel, and paved streets. This Schedule is not applicable to the installation of services larger than 2-inches, nor to services installed in subdivisions. Larger services and subdivision services will be installed under special contract provisions.

Service will be furnished in accordance with the City's Rules and Regulations covering water service, available at the City's offices and on file with the office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions thereof are a part of this Schedule as if fully written herein.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

RATE: The rate for Base Meter Service Charges shall be the sum of A, B, and C:

- A. SERVICE CHARGES:

<u>Service</u>	<u>Dirt or Gravel</u>	<u>Paved</u>
3/4-inch	\$554.75	\$1,026.83
1-inch \$592.23	\$1,064.31	

Dirt W/Main

<u>Service</u>	<u>Back of Curb</u>	<u>Gravel</u>	<u>Paved</u>
1 1/2-inch	\$1,276.80	\$1,372.43	\$1,876.31
Street W/Mains			
<u>Service</u>	<u>Back of Curb</u>	<u>Gravel</u>	<u>Paved</u>
2-inch	\$1,447.24	\$1,542.87	\$2,046.74

- B. CHARGES FOR RESTORATION OF STREET OR ROAD SURFACE: The customer shall be assessed any cost related to the excavation or the restoration of street and road surfaces, curbs and gutters and sidewalks, including governmental permits, as may be required in compliance with applicable state or local government statutes, ordinances or regulations.
- C. SPECIAL TAX AND ASSESSMENT CLAUSE : Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

**CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 8**

UTILITY EXPANSION CHARGE

APPLICABILITY: This Utility Expansion Charge is applicable to all new customers for connection with the City's system. Installation of a second meter and establishment of a new account for existing demand on a legal residential lot of record shall not be considered a new customer subject to application of the Utility Expansion Charge. Service will be furnished in accordance with the City's Rules and Regulations covering water service, available at the City's offices and on file with the office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions thereof are a part of this Schedule as if fully written herein.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

UTILITY EXPANSION CHARGE (UEC): The rate for the UEC shall be the sum of A and B.

A. CHARGE:

1. The Charge for a 5/8" meter service is \$2,013.00.
2. The Charge for a 5/8" meter service for the following is \$800.00.
 - a. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1 SFCC 1987;
 - b. Housing opportunity program home or housing opportunity program rental unit subject to a valid housing opportunity program agreement; or
 - c. A low priced dwelling unit as defined in Section 26-2 SFCC 1987.
3. The Charge for each meter service size shall be determined by multiplying the Charge for a 5/8" meter service by the applicable equivalent meter EQM Factor.
4. The other meter service sizes are as follows:

<u>Meter Service</u>	<u>EOM Factor</u>	<u>UEC</u>
3/4"	1.5	\$ 3,019.00
1"	2.5	5,032.00
1 1/2"	5.0	10,065.00
2"	8.0	16,104.00
3"	15.6	31,402.00
4"	25.0	50,325.00
6"	50.0	100,650.00
8"	80.0	161,040.00

- B. SPECIAL TAX AND ASSESSMENT CLAUSE : Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.
- C. VARIANCE: In the event a developer makes an advance payment for project costs, which payment covers all costs pertaining to the project in question which are included in the UEC calculation, he/she shall upon application to the governing body of the city of Santa Fe be entitled to a variance excusing him/her from payment of the UEC.

TERMS OF PAYMENT: The UEC is due when notice is provided to the Customer prior to installation of the service line.

SERVICE APPLICATION : The UEC shall apply to new services, not including the installation of a second meter and establishment of a new account for existing demand on a legal residential lot of record, located anywhere within the water service area approved by the City.

**CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 9**

MUNICIPAL FIRE HYDRANT SERVICE

APPLICABILITY: Hydrants for the city of Santa Fe for fire protection, street cleaning, and sewer flushing. This Schedule is not applicable to resale, breakdown, or standby service. Service will be furnished in accordance with the City's Rules and Regulations covering water service available at the City's offices which Rules or subsequent revisions thereof are a part of this Schedule as if fully written herein.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

RATE: The rate for fire hydrant service provided shall be the sum of A and B:

A. For each fire hydrant installed - \$46.72 per annum payable monthly.

B. **SPECIAL TAX AND ASSESSMENT CLAUSE:** Billings under this Schedule may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges (exclusive of ad valorem, state and federal income taxes) payable by the Utility and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

TERMS OF PAYMENT: The rate set forth above is net and payable from date of bill.

AVAILABILITY: Available to the City of Santa Fe, New Mexico for all hydrant service. Available under this Schedule are the following types of hydrants:

- a. Standard 4-inch inlet 2-nozzle hydrants.
- b. Standard 6-inch inlet with two 2 1/2 inch hose nozzles and one standard 4 1/2 inch pumper nozzle.

CITY OF SANTA FE – PUBLIC UTILITIES DEPARTMENT WATER SERVICES DIVISION RATE SCHEDULE 10

CONSERVATION PROGRAM CHARGE

APPLICABILITY: In addition to the charges set forth elsewhere in Exhibit B of Chapter XXV SFCC 1987, all customers, except those that qualify for the poverty exemption set forth in subsection 15-1.3 SFCC 1987, shall pay a once per year conservation program charge. The charge shall be included in the customers' April water bill. Multi-family service customers shall be billed on a quarterly basis. The revenue collected shall be specifically set aside to fund water conservation programs of the city.

SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas outside the corporate limits to which service has been authorized by action of the governing body of the city of Santa Fe.

RATE: The charge for the conservation program shall be the following:

SINGLE FAMILY RESIDENTIAL SERVICE

<u>Meter Size</u>	<u>Conservation Fee</u>
5/8"	\$4.00
3/4"	\$4.00
1"	\$6.00
1.5"	\$9.00
2"	\$9.00

MULTI-FAMILY RESIDENTIAL SERVICE

<u>Meter Size</u>	<u>Conservation Fee</u>
5/8"	\$8.00
3/4"	\$15.00
1"	\$20.00
1.5"	\$50.00
2"	\$105.00
3"	\$150.00
4"	\$305.00
6"	\$525.00
8"	\$750.00

COMMERCIAL SERVICE

<u>Meter Size</u>	<u>Conservation Fee</u>
5/8"	\$5.00
3/4"	\$12.50
1"	\$20.00
1.5"	\$32.00
2"	\$65.00
3"	\$110.00
4"	\$200.00
6"	\$285.00
8"	\$350.00

TERMS OF PAYMENT: The charge set forth above is payable within twenty (20) days from date of bill.

REVIEW OF FEE. The governing body shall review the conservation fee every two (2) years after the date of adoption.

CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT
WATER SERVICES DIVISION
RATE SCHEDULE 11

POTABLE WATER FILL STATION

APPLICABILITY: Water dispensed from the city's potable water fill station.

POTABLE WATER FILL STATION RATE:

A. **CHARGES:**

1. Base Rate \$2.05 per 500 gallons or portion thereof

2. Surcharges

a. Water conservation surcharge (as an overlay onto the base rate) shall apply to water dispensed May 1 through October 31

\$0.50 per 500 gallons or portion thereof

b. During Water Emergency Management Stages 2 or 3, surcharges (as an overlay onto the base rate)

\$1.00 per 500 gallons or portion thereof

B. **SPECIAL TAX AND ASSESSMENT CLAUSE :** The above charges shall be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

OTHER CONDITIONS:

A. Upon the water division's approval of an application, the following may purchase water from the city's potable water fill station:

1. A customer of the city's water, sewer or refuse utilities; or

2. A person living within the city limits.

B. Payment is due at the time the application for water is approved by the water division, prior to dispensing.

C. The amount shall not exceed 5,000 gallons per purchase, not to exceed 20,000 gallons per month per purchaser.

D. There is no restriction on where the water may be used; however, the water shall be subject to the same use restrictions as all other city water set forth in this chapter including, but not limited to, conservation, water waste and emergency water regulations. Violations shall be subject to the same enforcement as other violations of this chapter.

E. The purchaser or their representative shall have, in their possession at the time and place of use of the water, the receipt from the city for the water.

F. During Water Emergency Management Stage 4, water shall not be dispensed at the potable water fill station.

G. The above conditions may be waived by the water division director, or his or her designee, if it is determined that an emergency exists and that the water is necessary for the public's health, safety and welfare.

H. The city reserves the right to prohibit or limit the sale of water at the potable water fill station as it may deem necessary to protect the city's water supply and comply with the intent of the provisions of this chapter.

EXHIBIT C "WATER WARNING – ORANGE" IMPLEMENTATION STAGE

**CITY OF SANTA FE
EMERGENCY WATER REGULATIONS
"WATER WARNING – ORANGE"
IMPLEMENTATION STAGE
EXHIBIT C*
(Subsection 25-5.5)**

***Editor's Note:** Former Exhibit C, Water Emergency Plan Stage 2, Implementation Plan, previously codified herein, adopted May 29, 1996 and amended June 13, 1996, July 31, 1996, September 11, 1996, June 28, 2000, April 10, 2002, May 28, 2003 and February 9, 2005, was repealed in its entirety August 28, 2006 by Ordinance No. 2006-53, §44.

Adopted: August 28, 2006 (effective January 1, 2007)
Amended November 30, 2011 by Ord. No. 2011-38

A. Landscape Restrictions.

(1) Any requirement to plant new landscaping under Chapter 14 SFCC 1987 associated with new construction shall be held in abeyance until all water emergency management plans are rescinded. The property owner or developer shall post a bond sufficient to cover the costs of installing the required landscaping.

(2) Except as set forth in paragraph (4) below, the planting of cool-season grass is prohibited. Violation of this provision shall be subject to a \$500 administrative fee as set forth in subsection 25-1.4 SFCC 1987. Subsequent watering of cool-season grass with potable water shall be subject to additional fines.

(3) The planting of all other plant materials is strongly discouraged. New plantings shall comply with the current irrigation restrictions.

(4) New turf areas in public parks may be installed as long as the overall total square footage of turf in public parks does not increase from that in existence at the time of adoption of this ordinance. Existing turf areas in public parks may be renovated by sod or seeding.

B. Irrigation Notices. All plant nurseries or landscape professionals or community gardens shall provide their customers at the time of sale or service contract, literature, the text of which is provided by the city, indicating that the city is under twice per week watering restrictions, that the new plantings shall comply with those restrictions, and that violations are subject to administrative fee assessments.

C. Irrigation Restrictions.

(1) Except as set forth in paragraph (2) below, outdoor irrigation using potable water shall comply with the following:

(a) Odd-numbered addresses shall irrigate only on Tuesdays and Saturdays. Even-numbered addresses shall irrigate only on Wednesdays and Sundays;

(b) 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 division is so notified; and

(c) 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 division is so notified.

(2) The following exemptions apply:

(a) Plants being irrigated for retail or wholesale sale are exempt;

(b) Licensed landscape maintenance and contracting companies doing manual watering may apply to the city's water conservation office for an exemption; however, they shall not manually irrigate their clients' landscaping more than two (2) days a week. For those customers of landscape companies that have automatic irrigation controllers, the odd-even address watering days and times shall be complied with; and

(c) Public parks, public school athletic fields and public roadside landscapes. This provision is adopted in order to serve community needs for active and passive recreation deemed essential to the quality of life for persons of all ages and to protect tax paid investments in landscaped facilities. Maximum irrigation for turf and woody plant areas shall be based upon evapotranspiration (ET) replacement to maintain the health and vigor of the plants as follows:

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
ET (in inches)	0.70	1.55	2.80	4.25	5.05	4.50	3.00	1.65	0.50	24.00

However, the city will use the information received from its weather stations to determine optimal watering levels which may be less than those listed in the chart above. Woody plant materials in roadside landscapes may be irrigated once a week. Roadside landscapes shall mean those located within the public right-of-way completed as part of a publicly funded project and maintained by the city. Public parks, public school athletic fields and roadside landscapes shall be reviewed and retrofitted to incorporate the most efficient available technology in irrigation and xeric plant selection.

D. Swimming Pool and Spa Restrictions. One initial filling is allowed for swimming pools and spas. This includes indoor or outdoor facilities. Kiddy pools less than 12 inches in depth and five feet in diameter are exempt from this provision.

E. Posting of Water Shortage Bulletin. Excluding residential facilities, owners of restrooms, showers, and locker facilities shall post a city-provided 8.5 by 11 inch water shortage announcement in the restroom, shower, and locker room areas. This provision applies to all private, public, governmental, and commercial establishments. In addition to restroom signs, all indoor commercial establishments shall post the same announcement in a location clearly visible to their customers.

F. Santa Fe River Target Flows. Target flows to the Santa Fe River may be suspended.

EXHIBIT D "WATER EMERGENCY – RED" IMPLEMENTATION STAGE

**CITY OF SANTA FE
EMERGENCY WATER REGULATIONS
"WATER EMERGENCY – RED"
IMPLEMENTATION STAGE
EXHIBIT D*
(Subsection 25-5.5)**

***Editor's Note:** Former Exhibit D, Emergency Water Regulations Water Emergency Management Plan Stage 3 Implementation Plan, previously codified herein and amended September 13, 2000, April 10, 2002 and May 28, 2003, was repealed in its entirety August 28, 2006 by Ordinance No. 2006-53. §46.

Adopted: August 28, 2006 (effective January 1, 2007)

Amended: November 30, 2011 by Ord. No. 2011-38

A. Landscaping Restrictions. The planting of all plant materials is prohibited.

B. Irrigation Restrictions.

(1) All outdoor irrigation using potable water is prohibited except as noted below.

(2) The following exemptions apply:

(a) Plant materials classified to be rare, exceptionally valuable or essential to the well being of the public at large or rare animals may be irrigated twice per month. The watering shall occur on the first and third Tuesdays of the month.

(b) Irrigation of plants for retail or wholesale shall be reduced in volume by an amount determined through approval of the "Water Emergency — Red" implementation stage by the governing body.

(c) Irrigation for public parks, public school athletic fields, and roadside landscapes shall reduce irrigation permitted in Section B.(2)(c) of Exhibit C, Chapter XXV SFCC 1987 by 35%.

C. Swimming Pool and Spa Restrictions. The filling or refilling of all swimming pools or spas is prohibited except where this use is storage for a water supply. The operation of any fountain or similar water feature is prohibited except for short periods of time to prevent damage.

D. Vehicle Washing Restrictions.

(1) All vehicle washing at residences, commercial car sale lots and other commercial and governmental entities is prohibited.

(2) The use of water by all types of commercial car washes or commercial vehicle service stations and not in the immediate interest of the public health, safety and welfare shall be reduced in volume by an amount determined through approval of the "Water Emergency — Red" implementation stage by the governing body.

(3) Such washings are exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings such as refuse collection trucks and vehicles used to transport food and perishables.

E. Commercial Use. The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined through approval of the "Water Emergency — Red" implementation stage by the governing body.

F. Sales of Potable Water. All sales of potable water outside of the water service area shall be discontinued, with the exception of sales previously approved by the governing body. Water shall not be dispensed at the potable water fill station.

G. Santa Fe River Target Flows. Target flows to the Santa Fe River shall be suspended.

***Editor's Note:** Exhibit A, referred to herein, may be found at the end of this chapter.

***Editor's Note:** Former subsection 25-1.5, Utility Company to Furnish Water Supply Information previously codified herein and containing portions of Code 1953, §27-4; Code 1973, §35-4; SFCC 1981, §4-14-5 and Ordinance No. 1991-4, was repealed in its entirety by Ordinance No. 2003-25, §30.

***Editor's Note:** Exhibit A, referred to herein, may be found at the end of this chapter.

***Editor's Note:** Prior ordinance history includes portions of Ordinance Nos. 1978-9, 1991-4, SFCC 1981 §§4-15-1–4-15-5.

***Editor's Note:** Exhibit A, referred to herein, may be found at the end of this chapter.

***Editor's Note:** Exhibit A, referred to herein, may be found at the end of this chapter.

***Editor's Note:** Former subsection 25-2.8, Water Conservation Surcharges, previously codified herein and containing portions of Ordinance Nos. 1997-17, 2001-26, 2003-25 and 2005-2 was repealed in its entirety by Ordinance No. 2006-53.

****Editor's Note:** Former subsection 25-2.9, Effective Dates, previously codified herein and containing portions of Ordinance No. 1997-17, was repealed in its entirety by Ordinance No. 2001-34.

***Editor's Note:** Exhibit A, referred to herein, may be found at the end of this chapter.

***Editor's Note:** Former subsection 25-2.10, Rainwater Harvesting Barrel Rebate Program, previously codified herein and containing portions of Ordinance Nos. 2003-29 and 2006-53 was repealed in its entirety by Ordinance No. 2008-50.

***Editor's Note:** Prior ordinance history includes portions of Ordinance Nos. 1991-4 and 2001-33.

***Editor's Note:** Prior ordinance history includes portions of Ordinance No. 1991-4 and 2001-33.

***Editor's Note:** Former subsection 25-3.4, Administration of the Chapter, previously codified herein and containing portions of Ordinance Nos. 1991-4 and 2003-25, was repealed in its entirety by Ordinance No. 2006-53, §16.

***Editor's Note:** Former subsection 25-3.5, Scope, previously codified herein and containing portions of Ordinance No. 2001-33 was repealed in its entirety by Ordinance No. 2006-53, §17.

****Editor's Note:** Former subsections 25-4.3 through 25-4.9, previously codified herein and containing portions of Ordinance No. 1995-19, 2002-2 and 2002-3 were repealed in their entirety by Ordinance No. 2003-25.

***Editor's Note:** Prior ordinance history includes portions of Ordinance Nos. 1996-16, 1996-20, 2000-30, 2000-40, 2002-17, 2003-12, 2005-2.

***Editor's Note:** Exhibit B, C and D referred to herein, may be found at the end of this chapter.

***Editor's Note:** Former subsection 25-5.9, Penalty, previously codified herein and containing portions of Ordinance Nos. 1996-16, 1996-20 and 2000-30, was repealed in its entirety by Ordinance No. 2006-53, §33.

***Editor's Note:** Former subsection 25-5.10, Severability, previously codified herein and containing portions of Ordinance Nos. 1996-16, 1996-20 and 2000-30, was repealed in its entirety by Ordinance No. 2006-53, §34.

****Editor's Note:** Former subsection 25-5.11, Emergency Water Regulations; Publication of Terms of Water Use, previously codified herein and containing portions of Ordinance Nos. 1996-16, 1996-20 and 2000-30, was repealed in its entirety by Ordinance No. 2006-53, §35.

****Editor's Note:** Former subsections 25-5.12 and 25-5.14, previously codified herein and containing portions of Ordinance Nos. 1996-16, 1996-20 and 2000-30 were repealed in their entirety by Ordinance No. 2003-25, §§44 and 45.

*****Editor's Note:** Former Section 25-6, Treated Effluent Management, previously codified herein and containing portions of Ordinance No. 1999-50 was repealed in its entirety by Ordinance No. 2003-19. For Treated Effluent Management see Section 22-13.

***Editor's Note:** Rule No. 5, Rendering and Payment of Bills, was repealed in its entirety by Ordinance No. 2003-25, §48.

****Editor's Note:** Rule No. 6, Security Deposits, Guarantees of Payment, previously codified herein was repealed in its entirety by Ordinance No. 2003-25, §49.

****Editor's Note:** Rule No. 7, Disputed Bills, previously codified herein was repealed in its entirety by Ordinance No. 2003-25, §50.

***Editor's Note:** Rule No. 12, Rates Based on Meter Size, previously codified herein and containing portions of Ordinance No. 2003-25 was repealed by Ordinance No. 2005-2, §8.

****Editor's Note:** Rule No. 14, City's Right to Ingress to and Egress from Customer's Property, previously codified herein was repealed by Ordinance No. 2003-25, §55.

***Editor's Note:** Rule No. 21, Settlement Agreements, previously codified herein, was repealed by Ordinance No. 2003-25, §56.

***Editor's Note:** Rule No. 23, Estimated Bills, previously codified herein and containing portions of Ordinance No. 2003-25 was repealed by Ordinance No. 2005-2, §10.

***Editor's Note:** Rule No. 26, Manner of Serving Notice to Customer, previously codified herein, was repealed by Ordinance No. 2003-25, §59.

****Editor's Note:** Rule No. 27, previously codified herein was repealed by Ordinance No. 2005-2, §11.

CHAPTER XXV WATER

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