

I. SHORT TITLE

This section may be cited as the City of Las Vegas Water Conservation Ordinance.

II. 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 and other incentives for water conservation.

III. SCOPE

The City of Las Vegas water conservation ordinance shall apply to all City provided water whether potable or effluent, and all customers of the City water or wastewater utility wherever situated to the extent legally permissible.

IV. DECLARATION OF POLICY

A. The governing body finds and determines that encouraging and requiring the adoption of water conservation measures 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) Provides a means of working within available supply and water rights while additional supply sources are being brought on line with a goal of 75 gallons per day per capita residential use to allow the City to stay within its allotted water rights.
- (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.
- C. It is hereby declared, that to promote implementation of efficiency measures, the City establishes a water rebate program to be developed and administered by the Utilities Department.
- D. It is hereby declared, that the City will consult with other stakeholders to include the Office of the State Engineer, Acequias and Storrie Water Users Association to maximize the effectiveness of water conservation in the Gallinas River Basin. The City will work with the above named agencies to promote water conservation projects.
- E. It is hereby declared, that the City will develop and implement water pricing mechanisms such as progressive block rate structures and/or other feasible alternatives to encourage water conservation.
- F. It is hereby declared that if any part of this ordinance is stricken as illegal, then the remainder of the ordinance will continue with full force and effect.

V. SIGNAGE, PUBLIC NOTICES, EDUCATION

A. SIGNAGE

1. **Public, Semi-Public, and Governmental Restroom and Shower Facilities:** These facilities shall post no less than one water conservation sign in each restroom and shower facility, the size of which shall not be less than 8.5 by 11 inches. Entities may use a City-provided sign or develop their own sign using city-provided text, the text of which shall cite this ordinance. A “semi-public facility” shall include all private clubs and fraternal organizations. Postings shall be displayed in a visible location.
 2. **Hotels, Motels, and other Lodging Facilities;** These facilities shall include a water conservation informational card or brochure in a visible location in each guest room. Entities may use City-provided literature or develop their own using City-provided text.
- B. **NOTICES-**Utilities Department shall make the following information available to the public through local media outlets or and through distribution of public education materials.

1. Snow Water Equivalent as measured at the Wesner Springs SnoTel Measuring Site by comparison of recent measurements to the previous three years for the same period (to be made available to local media outlets during the months of February, March, and April).
2. Gallinas river flows, total water production and current reservoir storage (to be made available to local media outlets year-round).
3. Retail Plant Nurseries: 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.
4. Landscape Contractors and Architects: Landscape contractors and architects shall provide prospective clients with City provided low water use landscape literature and water efficient irrigation guidelines at the time of presenting a service contract to their prospective client. Landscaping professionals are strongly encouraged to educate their customers regarding the operation of timed irrigation systems and/or cisterns for water harvesting and curb cuts to catch road run off where appropriate.
5. Realtors, Title Companies, Attorneys, Banks, and Other Closing Real Estate Transactions: These individuals or entities shall provide the party purchasing a home, business, or property with City-provided indoor and outdoor water conservation literature at the time of closing.
6. City Departments: The City shall provide indoor and outdoor conservation literature: (1) to all persons applying for a building permit. (2) to all customers initiating new water service from the City of Las Vegas Utilities Department.

C. EDUCATION

1. The City Utilities Department shall make available water conservation educational material to increase the awareness of the public regarding the value of our water resources and how water can be used more efficiently (year-round). The City shall seek to coordinate with New Mexico state agencies, acequias, municipalities, counties, and utilities.
2. The City Utilities Department shall inform the public of the water conservation measures of this Ordinance. Public information/education will be

conducted for a reasonable period as to allow the public to become informed of said conservation measures.

3. The City Utilities Department will maintain a continuing public education program concerning water conservation to include the measures of this Ordinance throughout the year.

VI. OUTDOOR USES

The following section shall apply to all City customers using City provided water for outdoor uses. These restrictions shall also apply to any properly licensed person, firm or corporation engaged in the business of growing or selling plants. The City encourages the use of grey water meeting applicable standards or water harvested from precipitation.

- A. *Irrigation.* Irrigation shall be permitted on:
 1. Even numbered calendar days at locations with even numbered street addresses.
 2. Odd numbered calendar days at locations with odd numbered addresses.
 3. Irrigation shall be permitted during the early morning from 6 a.m. – 8 a.m. OR late evening from 8 p.m.- 10 p.m.
- B. *Irrigation systems.* Overhead spray irrigation systems are prohibited in all areas except turf areas. Temporary irrigation systems will be reviewed on a case by case basis.
- C. *Shut off nozzles.* Shall be required on all hoses used for hand watering, washing of vehicles, or any other type of outdoor water use.
- D. *Large Landscaped Areas.* Areas with water pressure limitations, or inadequate irrigation equipment which restrict the owner's ability to irrigate in the odd/even manner specified in the above sections may designate a portion of its landscape area as "odd" and a portion as "even". The Utility Department shall approve this designation prior to irrigating. The utility account holder shall submit an irrigation plan with a sketch map showing odd and even irrigation areas.
- E. *Owners of acequia rights or private wells.* To the extent that water is available, those supplies shall be used prior to the use of City water.
- F. *Minor Private Water Service Line Leaks.* As determined by the City, shall be repaired by the owner or property manager within 15 days of initial notification by the City. A severe leak, as determined by the City, shall be repaired immediately. Failure to do so may result in discontinuance of service as set forth in Section 17-1-10 of the City Water Ordinance. Proof of repair shall be provided to the City Utilities Department upon completion of the repair.

- G. Concrete, cement, asphalt, or other impervious surfaces shall not be washed down with a hose or other means of transported water, unless there is a hazard to be removed. The City Utilities Department and City Fire Department shall be advised of said hazard. Surfaces include, but are not limited to, sidewalks, parking lots, ramps, and loading docks.

VII. INDOOR USES

- A. *Indoor Plumbing Leaks.* Leaks shall be repaired by the owner or property manager within 15 days of initial notification by the City Utilities Department. Proof of repair shall be provided upon completion of the repair.
- B. *Water Conservation Plumbing.* For all new construction and remodeling 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 one (1) year from the date of adoption of this subsection. 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 one (1) year from the date of adoption of this subsection. Other residential water users are exempt from this retrofit requirement. All new and remodeling construction shall meet the following standards:
1. *Water Closets.* Water closets, either flush tank, dual flush, 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 or less.
 2. *Urinals.* Urinals shall have an average water consumption of not more than 1.0 gallons (3.8 liters) of water per flush.
 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 2.0 gallons (9.5 liters) per minute.
 4. *Metered Faucets.* Self-closing metering faucets shall be installed on lavatories intended to serve the transient public, such as those in but not limited to public institutions, service stations, train stations, airports, restaurants, and convention halls. Metered faucets shall deliver not more than 0.25 gallons (1.0 liters) of water per use. New construction must install infrared sensor hands free faucets in all buildings with public access.
 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. The City Utility Department shall make available low-flow showerheads to its customers, subject to the availability of funds.

6. *Re-Circulating Hot Water Systems.* Hotels and motels shall install re-circulating hot water systems on all new construction.
7. *Installation.* Water-conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.
8. *Certificate of Compliance.* All of the requirements regarding water conserving devices mentioned shall be certified by a certificate of compliance by a licensed mechanical contractor or plumbing permittee before or at a time of the final plumbing inspection.
9. *High efficiency front loader washing machines.* Highly recommended and shall be promptly installed, except where city utility representatives agree that installation is not economically feasible.
10. Existing nonresidential water users failing to retrofit their facilities within one (1) year from the date of adoption of this subsection and existing properties with more than three (3) rental units failing to retrofit their facilities within one (1) year from the date of adoption of this subsection shall be subject to four (4) times the fees set by City. 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 set forth in Section 17-1-10 of the City Water Ordinance.
11. *Eating Establishments.* All commercial 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.
12. *Lodging Restrictions.* Lodging facilities shall not change the sheets and towels more than once every four (4) days for guests staying four (4) days or more unless there is a justified public health reason. Guests shall be informed of this requirement in writing at the time of check-in.

13. *Institutional Water Users.* Institutional water users on the City of Las Vegas system shall conduct annual internal water audits and shall develop and implement a water conservation program to reduce consumption that is to include replacing all high-flow fixtures with low-flow devices. Their conservation program should be developed in conjunction with the City's.

C. Water Waste:

1. A customer shall not allow city water leave the customer's property by drainage onto adjacent properties or public or private roadways or streets.
2. Sprinklers shall be shut off during rainy and windy events.

VIII. NEW CONSTRUCTION

- A. New construction or remodeling by Commercial Contractors and Private Individuals: Commercial contractors are required to obtain the proper building permit issued by the City Community Development Department allowing the construction or remodeling that requires the use of water. Set Construction shall meet standards outlined in Section VII.
- B. *Irrigation Systems.* Irrigation systems for all new commercial and multi-family residential developments are to be installed with automatic timing controllers. Irrigation systems are to be designed to avoid over spray or drainage of water onto any paved or unplanted surface and follow same time and day restrictions.
- C. Irrigation of newly installed sod and plants is subject to Section X. exemptions.
- D. All new State or publicly funded construction must meet LEED certification for energy and water consumption.

IX. WATER SHORTAGE – CONSERVATION STAGES

The following additional water conservation stages shall apply when the water shortages dictate the need to increase conservation of treated, potable water. The City Manager upon consultation with the Utility Director shall determine when each stage is implemented based on operational requirements and predicted or actual water supply limitations. Mayor and Council may decide to discontinue stages of the City of Las Vegas Water Conservation Program.

- A. Stage I
 1. *Irrigation.* Irrigation shall be permitted on the following days and addresses:
 - a. Saturday and Wednesday with even numbered street addresses.
 - b. Sunday and Thursday at locations with odd numbered addresses.
 - c. Irrigation shall be permitted during the early morning from 6 a.m. – 8 a.m. **OR** late evening from 8 p.m. - 10 p.m.

2. *Vehicle Washing.* No City provided water shall be used to wash automobiles except at places of business whose services include the washing of cars where high pressure wash is utilized either by self service or fully automated process or car dealerships which utilize high pressure wash equipment. Further, such washing is 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 and businesses with recycling systems. Based on administrative approval; the City will encourage the use of recycling systems and other conservation techniques available to the industry by offering such incentives as it deems appropriate.
3. *Swimming Pools.* Swimming pools and spas/hot tubs filled prior to the implementation of Stage I and utilizing treated water shall not add water to make up losses through evaporation or splashing, through draining or through leaks in pools and spas/hot tubs while Stage I is in effect with the exception of any municipally or Highlands University owned covered (enclosed) swimming pool(s).
4. *Eating Establishments.* All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.
5. *Ornamental Fountains.* Ornamental fountains may operate if they re-circulate water but not during windy periods. Ornamental fountains that do not re-circulate water are prohibited.
6. *Fire Hydrants.* Use of water from fire hydrants shall be limited to fire fighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens served by the municipal water system. Metered use of hydrants may be allowed at the Utility Director's discretion.

These restrictions shall not apply to any properly licensed person, firm, or corporation engaging in the business of growing or selling plants.

B. Stage II

1. *Irrigation.* Irrigation shall be permitted on the following days and addresses:
 - a. Mondays with even numbered street addresses
 - b. Tuesdays at locations with odd numbered addresses.
 - c. Irrigation shall be permitted during the early morning from 6 a.m. – 8 a.m. **OR** late evening from 8 p.m. - 10 p.m.
2. *Vehicle Washing.* Requirements continue as in Stage I with the following addition: Businesses', whose services include the washing of automobiles,

shall not be allowed to use City provided water for washing of automobiles on Mondays, Wednesdays and Fridays.

3. *Swimming Pools*. Requirements continue as in Stage I.
4. *Restaurants*. Requirements continue as in Stage I.
5. *Ornamental Fountains*. Requirements continue as in Stage I.
6. *Fire Hydrants*. Requirements continue as in Stage I.

C. Stage III:

The City Manager upon consultation with the Utility Department may declare an emergency and thus impose more stringent restrictions should conditions warrant, subject to modification by formal action of the City Council.

Said emergency restrictions may be temporary or long term based upon the nature of the emergency, and shall include, when and as necessary, municipal action as authorized by law, to take control of the Rio Gallinas Stream System to protect it during actual or predicted drought conditions. Emergency restrictions may also include City action to restrict the use of private wells and/or ditches, as the City deems it necessary, to the extent authorized by the law, and are subject to the approval of the Mayor and City Council.

X. EXEMPTIONS

A. Indoor Uses

1. The City Utility Director upon advice of a licensed plumber has the authority to permit exceptions in any case necessary to maintain adequate health and sanitation standards.

B. Outdoor Uses

1. *Newly installed sod and gardens, prior to Stage I or II*. Due to the need of newly installed sod and gardens to establish a root system, a sixty (60) day exemption period may be allowed by the Utility Director. Residents, commercial establishments, and all other entities shall apply for said sixty (60) day exemption by advising the Utility Department and if approved, providing a copy of a proper bill of sale. The sixty (60) day exemption shall be effective beginning the day of the date of the bill of sale. Wherever acequia rights or private wells are lawfully available for this purpose; such waivers shall not be granted, in whole or in part. The exemption is for newly installed turf sod or

gardens only and not for other new or existing landscaping (trees and shrubs)

2. *Nursery Stock-Plants* being irrigated for retail or wholesale sale are exempt.

3. *Treated effluent*. Irrigation using treated effluent. Prior to the application of treated effluent, under written agreement with the City, the customer must complete the proper notice of intent form seeking approval from the New Mexico Environment Department. Copies of the completed form and of the Notice of Approval shall be provided to the Utilities Department prior to the use of treated effluent.

4. Landscape companies, property owners, licensed plumbers or individuals setting timed irrigation systems shall ensure that systems comply with time and day restrictions. Ultimate responsibility for compliance lies with the property owner.

C. The City of Las Vegas Water Filter Plant is exempt from the ordinance in their maintenance practices of washing down equipment using City treated water.

XI. ENFORCEMENT

The City Manager or designee to include but not limited to employees from City Departments will enforce this ordinance in the following manner.

A. **Violations/Penalties:** The following procedure and applicable penalty will be used in addressing violations of this Ordinance upon observation or reasonable suspicion of said violation.

1. The *first violation* shall result in the issuance of a Notice of Violation to the party committing said violation. The notice shall advise the party of the nature of the offense and of the section of the Ordinance that has been violated. The result of the first violation shall be the distribution of a copy of this Ordinance and an educational packet containing information on water conservation to the party committing the violation.

2. Upon observation of/or reasonable suspicion of a *second violation* a citation shall be issued to the party violating this Ordinance advising the party of the specific violation and include a notice to appear in Municipal Court. The penalty for the second violation shall be consistent with the penalties noted below.

B. **Water Shortage – Conservation Stages**

1. All violations of Water Emergency Stages shall come under the jurisdiction of the Municipal Court of the City of Las Vegas, New Mexico. Any person, business, institution or industrial plant found in violation of this ordinance shall be fined as follows:
 - a. Stage I
 1. First Violation: Issuance of Notice of Violation.
 2. Second violation: A fine of not less than \$75 not more than \$250.
 3. Third violation: A fine of not less than \$200 not more than \$300.
 4. Fourth violation: Termination of Service
 - b. Stage II
 1. First violation: Issuance of notice of violation.
 2. Second violation: A fine of not less than \$300 not more than \$400.
 3. Third violation: Termination of service
 - c. Stage III
 1. First violation: Issuance of notice of violation.
 2. Second violation: A fine of not less than \$400 not more than \$500.
 3. Third violation: Termination of service
- C. The first violation in any stage will count as a second violation in other stages as they progress.
- D. Penalties shall be distinct from of any court costs assessed by the Municipal Court.
- E. All fines imposed shall apply to the account holder.

XII. DEFINITIONS

ADMINISTRATIVE APPROVAL – May be granted by City Manager and/or Water Director

CITY PROVIDED WATER – Water which is diverted or pumped from surface water and/or well water sources and supplied to all citizens, businesses, industrial and governmental customers serviced by the City's water system.

DRIP IRRIGATION – Low pressure, low volume irrigation applied slowly, near or at ground level to minimize runoff and loss to evaporation

EVEN-NUMBERED PROPERTIES – Properties whose official address ends in an even number. Landscaped areas associated with a building will use the number of that building as their address. Only one address shall be used for a large landscape area associated with one building or activity, even if the landscaped area is broken into many separate subareas.

GREYWATER – Water carried waste from kitchen (excluding garbage disposal) and bathroom sinks, wet bar sinks, showers, bathtubs and washing machines. Greywater does not include water carried wastes from kitchen sinks equipped with a garbage disposal, utility sinks, any hazardous materials, or laundry water from the washing of material soiled with human excreta.

HARVESTED WATER – Precipitation or irrigation runoff collected, stored and available for reuse for irrigation purposes.

ODD-NUMBERED PROPERTIES – Properties whose official address ends in an odd number. Landscaped areas associated with a building will use the number of that building as their address. Only one address shall be used for a large landscape area associated with one building or activity, even if the landscaped area is broken into many separate subareas.

SERVICE AREA – All customers receiving water service from the City of Las Vegas water source.

SHUT OFF NOZZLE – Device attached to end of hose that completely shuts off the flow, even if left unattended.

TREATED EFFLUENT WATER – A non potable water source, which has been deemed acceptable for the intended use, by the state of NewMexico Environment Department.

WATER WASTE – The non-beneficial use of water.

POTABLE WATER – Treated water provided by the City that is suitable for drinking, cooking, and other domestic use.

RAW WATER – Water drawn from a reservoir or other water source before treatment.

RUNOFF – Water which is not absorbed by the soil or landscape to which it is applied. Runoff occurs when water is applied too quickly (application rate exceeds infiltration rate), particularly if there is a severe slope. These Standards do not apply to storm water runoff which is created by natural precipitation rather than human-caused or applied water use.

SNOW WATER EQUIVALENT – The depth of water in the snowpack, if the snowpack were melted, expressed in inches.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2009.

Tony E. Marquez Jr., Mayor

ATTEST:

City Clerk, Casandra Fresquez

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney, Carlos Quinones