

CIBOLA COUNTY ORDINANCE NUMBER

13-01

AN ORDINANCE ADDRESSING WATER CONSERVATION FOR ALL RESIDENTIAL AND COMMERCIAL USES OF WATER WITHIN CIBOLA COUNTY

Introduction

This ordinance addresses water conservation within Cibola County and prohibits specific water-wasting actions. A schedule for fines and a listing of those County personnel authorized to issue the fines is included. This Ordinance applies to all residential and commercial water users within Cibola County. Any water use on land that is designated by the County Assessor as farmland or ranchland is exempt from this ordinance.

Whenever there is a conflict between the provisions of this ordinance and the requirements of the Office of the State Engineer or the Public Regulatory Commission, the requirements of those entities shall take precedence over the provision of this ordinance.

A. THE CIBOLA COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY FINDS:

1. Water resources in Cibola County whether ground water or surface water are limited.
2. Numerous droughts in our state have demonstrated that the County's water resources are extremely vulnerable to depletion by drought.
3. At all times of the year and in all areas of the County, it is critical to conserve our water resources.

**B. THE CIBOLA COUNTY BOARD OF COUNTY COMMISSIONERS
THEREFORE CONCLUDES AND DECLARES:**

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

**C. NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF
COUNTY COMMISSIONERS OF CIBOLA COUNTY:**

The following water conservation requirements apply to all residents of Cibola County, and all business operating within Cibola County at all times of the year.

Outdoor Conservation:

1. Outdoor irrigation is prohibited between 11 am to 7 pm from May through September of each year. The following sources and water and types of irrigation methods are exempt from the irrigation hour restrictions:
 - A. Plants being irrigated for retail or wholesale.
 - B. All manual watering by landscape maintenance and contracting personnel, however landscaping personnel setting timed irrigation systems must ensure that the systems, comply with the irrigation hour restrictions,
 - C. Any water derived through rainwater catchment systems or any permitted water re-use system, and
 - D. Any water being used from an acequia or other agricultural irrigation system.
2. Vehicle washing is only allowed with the use of a shut-off hose nozzle.
3. An outdoor irrigation system may not be operated while a leak from it exists.

4. Planting sod or grass seed that contains Kentucky bluegrass is not permitted.
5. All swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once per year.

Indoor Conservation

1. Water system leaks from private water lines shall be repaired by the owner or property manager within fifteen (15) days if initial notification by the County or the owner's knowledge of the leak. Proof of repair shall be provided to the County upon completion of the repair when such notification is requested.
2. For all new and remodeling construction and all replacements of existing plumbing fixtures, the water conservation plumbing standards set out below shall be met. In addition, with the exception of item (D), all existing water users shall retrofit their facilities such that the plumbing fixtures noted below are in place by January 1, 2014. Single and multi-family residential water users are exempt from this retrofit requirement.
 - A. Water closets, either flush tank, flushometer tank or flushometer valve operated shall have an average consumption of not more than 1.6 gallons (6.1 liters) per flush. Water closets that use a "quick closing" flapper to limit the flush to 1.6 gallons shall not be used to satisfy this requirement.
 - B. Urinals shall have an average water consumption of not more than 1.0 gallon of water per flush, with the exception that, if approved by Cibola County, blowout urinals may be installed for public use in stadiums, race courses, fairgrounds and other structures used for outdoor assembly and similar uses.
 - C. Lavatory and kitchen faucets shall be equipped with aerators and shall be designed and manufactured so that they will not exceed a water flow rate of 2.5 gallons (9.5 liters) per minute.

- D. Self-closing, metering or self-closing faucets shall be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants and convention halls. These faucets shall deliver no more than .25 gallons of water (1.0 liters) of water per use.
 - E. Shower heads shall be designed and manufactured so that they will not exceed a water supply flow rate of 2.5 gallons (9.5 liters) per minute. Emergency safety showers are exempted from this provision.
 - F. Water-conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.
 - G. For all new and re-modeling construction, all of the requirements regarding water conserving devices shall be certified by a certificate of compliance by a licensed mechanical contractor or plumbing permittee before or at the time of the final plumbing inspection.
 - H. All outdoor timed irrigation systems must be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained.
 - I. Exceptions to the above requirements may be permitted when necessary to maintain adequate health and safety standards.
3. All private and public eating establishments shall provide water and other beverages only upon request. This policy shall be clearly communicated to the customer in at least one of the following manners: on the menu, by use of a "table tent" or single signage on the table, or posting in a location clearly visible to all customers. All catering and banquet operations shall comply with the provisions of this subsection. The intent of this requirement is not to discourage the drinking of water but to discourage the washing of additional unnecessary glasses.

4. Lodging facilities shall not provide daily linen and towel changing for guests staying multiple nights unless the guests specifically requests each day that linens and towels be changed.

Conservation Signage and Literature Distribution

1. All public, semi –public and governmental restrooms and shower facilities shall post not less than one (1) water conservation sign in each restroom and shower facility, the size of which shall not be less than eight and one-half inches (8.5) by eleven (11) inches. Such entities may use a sign provided by Cibola County or develop their own sign using text provided by Cibola County.
2. Hotels, motels and other lodging shall provide a water conservation informational card or brochure in a visible location in each guest room. Such Literature may be provided by Cibola County or the establishment itself using text provided by Cibola County.
3. Retail plant nurseries shall provide their “end-use” customers with County provided low water-use landscape literature and water efficient irrigation guideline at the time of sale of any perennial plant. An “end-use customer” is the person or persons who will ultimately own the plant material. A landscape contractor or architect is not an end-use customer. In order to facilitate the purchasing of low water-use plants, nurseries are strongly encouraged to tag or sign their plants that require little or not supplemental water once established. For the sale of all turf or grass or sod, the customer shall be given County provided literature indicating the restrictions to planting water consumptive turf.
6. The County departments shall provide indoor and outdoor conservation literature to all persons applying for a building permit and all persons initiating new water service to the County Water Utility.

Domestic Well Use Metering Program

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

1. All properties that required to report water meter readings as a condition of plat approval shall have the name and address of the property owner entered into the database when the building permit is issued.
2. The final inspection field report shall require that the water meter be installed in order for final inspection approval.
3. All properties that are required to report water meter readings as a condition of plat approval shall have the name and address of the property owner entered into the database when the building permit is issued.
4. Each property that is required to report water meter reading will receive a mailing from Cibola County containing a post card that can be filled out with the meter reading and returned to Cibola County.
5. Failure to submit the meter reading will result in the same penalties as outlined for other water violations.
6. When water is used in excess of the amount allocated to the property, the first year a letter with educational/informational materials on how to reduce water use will be sent to the water user and they will required to submit water meter readings every six months to track their progress. All subsequent water usage violations will result in the same penalties as outlined for other water violations.

Water Waste, Fugitive Water

1. Water Waste

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

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

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

Water waste does not include:

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

2. Fugitive Water

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

Fugitive water means the pumping, flow, release, escape or leakage of any water from any pipe, valve, faucet, irrigation system or facility onto any hard surface such that water accumulates as to either create individual puddles in excess of ten feet square in size or cause

flow along or off of the hard surface or onto adjacent property or the public right-of-way, arroyo, or other water course, natural or manmade. Fugitive water also means, during the irrigation of landscaping, the escape or flow is not onto a hard surface.

Fugitive water shall not include:

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

Enforcement and Penalties

1. Enforcement

The Cibola County Utilities Department, the County Code Enforcement Officers, The Cibola County Sheriff's Department and the Cibola County Fire Department may enforce any and all of the County Water Conservation regulations. To the extent that the Board of Commissioners may find it desirable to vest specific enforcement authority in other County

personnel or other governmental agency, those individuals so vested shall also have the authority and responsibility to enforce regulations adopted County water conservation.

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

First violation:	\$50.00
Second violation:	\$100.00
Third violation:	\$200.00
Fourth and all subsequent violations:	\$400.00

2. Penalties

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

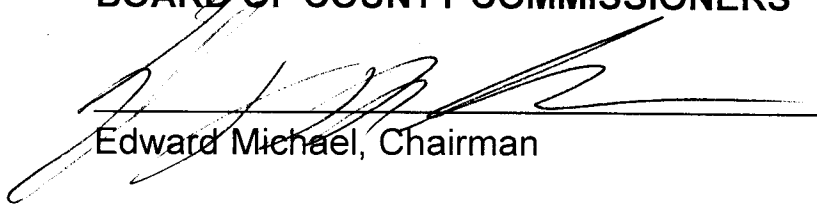
3. Severability

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

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


PASSED, APPROVED AND ADOPTED this 13th day of Jan, 2012³

BOARD OF COUNTY COMMISSIONERS


Edward Michael, Chairman



ATTEST:


Elisa Bro, Cibola County Clerk

APPROVED AS TO FORM:

Cibola County Attorney