

**Chapter 31
WATER CONSERVATION and DROUGHT PLAN**

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Chapter 31
WATER CONSERVATION and DROUGHT PLAN

ARTICLE I. IN GENERAL

Sec. 31-1. Purpose.

A plan pertaining to the regulation, conservation and restriction of the use of water from the City of Aztec, New Mexico water system due to conditions of drought, lack of rainfall or snowpack, damage to the water system or facilities, failure of a key system component or facility, or due to civil or other emergency, the City may implement water conservation measures based upon the stages contained within this plan. This water conservation plan is applicable to all citizens, businesses, industrial and governmental customers serviced by the city's water system.

The City deems it necessary to create a water conservation program to conserve on the amount of water used by citizens, businesses, industrial, and governmental customers serviced by the City's Water System and thereby implements water conservation measures to establish attainable benefits.

- A reduction of water use resulting in decreased demand, decreases in customers' water bills, and a reduction in per capita water consumption.
- Conservation and preservation of the current water supplies while additional sources of water are identified and brought into production thus preserving the quality of life and general welfare of the citizens of the City.
- Establishing and implement policies that create best water use practices for City water customers in a semi-arid area.
- Creating opportunities for customers to realize economic benefits through the conservative use of water.
(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-2. Public Notice.

1. Public notice of "Potential Water Shortage" shall be in effect when the Water Chief Operator has identified average water content amounts at the City's diversion point(s). Public notices may occur at any time when conditions demonstrate a potential shortage.
2. The City's Water Chief Operator shall report information to the City Manager describing average daily river flows, daily water consumption and current reservoir storage as well as average snow water equivalent. Said information will be provided throughout the entire year. Public announcements may occur at any time.
3. The City Manager and Staff shall inform the general public through local news media or other public forums the implementation of Drought Condition Stages or other water shortage situations and provide information and resources on how to conserve water. Furthermore, the City Utility Billing Department shall provide a notice to Water Customers about the implementation of "STAGES" through the Customer Utility Bills.

4. The Water Chief Operator and/or the City Manager will consult with the Office of the State Engineer and other appropriate agencies, including ditch officials, water districts and other pertinent organizations to maximize the effectiveness of City water conservation policies.
(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-3. Signage and Literature Distribution.

1. Notifications and Postings

The City will notify all entities through utility billing, social media, and the City's web site (www.aztecnm.gov). The size of postings shall not be less than 8.5 by 11 inches. Entities shall display a water conservation sign which will reference this Chapter of the City Code which establishes the City's Water Conservation Plan. Postings shall be displayed in a visible location.

2. Public, Semi-Public, and Governmental Restroom and Shower Facilities

These facilities shall post at least one water conservation sign at each restroom or shower room or room(s) adjacent thereto.

3. Hotels, Motels, Beds and Breakfasts, and Lodging Facilities

These facilities shall include a water conservation informational card or brochure in a visible location in each guest room. Lodging facilities are strongly encouraged to offer their guests the option of not having daily linen and towel changes for multiple night stays.

4. Retail Plant Nurseries

Retail plant nurseries shall provide their "end use customers" with 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.

5. Landscape Contractors and Architects

Landscape contractors and architects shall provide their prospective clients with 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.

6. Realtors, Title Companies, Attorneys, Banks, and Other Closing Real Estate Transactions

These individuals and/or entities shall provide the party purchasing a home, business, or property with indoor and outdoor water conservation literature at the time of closing.

7. City Departments

The City shall provide indoor and outdoor conservation literature or resources for such information to all customers and entities initiating new water service from the City of Aztec. Information will be available in the Administration, Planning, Public Works, Public Library, and Utility Departments.

(Ord. 2018-477, eff. 2018-Jul-18)

ARTICLE II. WATER CONSERVATION

Sec. 31-4. Indoor Water Conservation.

1. Water System Leaks from Private Water Lines

Leaks are encouraged to be repaired by the owner or property manager within 15 days of initial notification by the water utility.

2. Water Conservation Plumbing

All new and remodeling construction are encouraged to meet the following standards and notification will be provided by the Authority having jurisdiction.

- (1) Restrooms. Restrooms, either flush tank, flushometer tank, or flushometer valve operated, should have an average consumption of not more than 1.6 gallons (6.1 liters) of water per flush.
- (2) Urinals. Urinals should have an average water consumption of not more than 1.03 gallons (3.8 liters) per flush
- (3) Non-Metered Faucets. Lavatory and kitchen faucets should be equipped with aerators and 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 metering faucets should be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, airports, restaurants, and convention halls. Metered faucets should deliver not more than 1.5 gallons (5.7 liters) per use.
- (5) Shower Heads. Shower heads should 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 should be installed in strict accordance with the manufacturers' instructions to maintain rated performance.
- (7) Washing Machines. High efficiency front loader washing machines are highly recommended and should be properly installed, except where representatives agree that installation not economically feasible.

3. Eating Establishments

All public and private eating establishments shall provide water only upon request. Catering and banquet operations are exempt from this requirement.

(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-5. Irrigation and Other Outdoor Uses.

If utilizing City provided water for irrigation purposes and unless otherwise specified differently in [Sec. 31-6](#), the following outdoor water irrigation conservation measures shall be observed at all times during announced water shortages:

1. Irrigation of lawns, trees bushes, shrubs, gardens, flowers, and all types of vegetative matter shall occur only during the early morning from 4:00 a.m. to 10:00 a.m. or late evening from 6:00 p.m. to 10:00 p.m. No watering is allowed if winds are moderate breezy conditions (13-18 mph as defined by Beaufort Wind Scale) or greater. Sprinklers shall be shut off when it is raining.
2. Irrigation shall be permitted on "even" numbered calendar days at locations with even numbered street addresses and "odd" numbered calendar days at locations with odd

numbered addresses. These restrictions shall apply to all residents and all businesses, institutions and industrial facilities, using City provided water, possessing lawns, golf courses, gardens, trees or shrubs. These restrictions shall also apply to any person, firm or corporation engaged in the business of growing or selling plants.

3. A customer shall not let water leave the customer's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.
4. Shut off nozzles shall be required on all hoses used for hand watering, washing of vehicles, or any other type of outdoor water use.
5. Homes, commercial establishments, and governmental entities that have large landscaped areas where daily active use, water pressure limitations, or inadequate irrigation equipment that restricts the owner's ability to irrigate within the time limits of Subsection 1 and 2 above, may designate a portion of its landscape area as "even" and a portion as "odd". The Water Department or Manager's office shall be advised of this designation prior to irrigating. The owner shall submit an irrigation plan with a detailed map showing "even" and "odd" irrigation areas.
6. Individuals or entities that own ditch rights for irrigating lands also served by City water shall use ditch supplies thereon, to the extent available, prior to the use of City water. Likewise, owners of private wells authorized for such use will pump such wells for outdoor irrigation prior to, and in lieu of use of City water thereon, to the extent such well-water is available.
(Ord. 2021-515, eff. 2021-Jun-30 Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-6. Exceptions.

Unless otherwise specified differently in Article III of this code, the following irrigation methods and types of uses are exempt from [Sec. 31-5](#).

1. Sod and Landscaping

Newly installed sod and landscaping, prior to Stage 1 or 2. Due to the need of newly installed sod and landscaping to establish a root system, a sixty (60) day exemption period may be allowed. Residents, commercial establishments, and all other entities shall apply for said sixty (60) day exemption by advising the Utility Billing Office (during regular business hours, Monday through Thursday) 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. Violators will be subject to Section 10, wherever ditch rights, water district/association 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 landscaping only and not for other new or existing landscaping (trees or shrubs). Nursery Stock-Plants being irrigated for retail or wholesale are exempt.

2. Irrigation Using Treated Effluent

Prior to the application of treated effluent, under written agreement with the City, the proper notice of intent from seeking approval from the New Mexico Environment Department must be completed. Copies of the completed form and of the Notice of Approval shall be provided to the Utility Billing Office (during regular business hours, Monday through Thursday) prior to the use of treated effluent.

3. Timed Irrigation Systems

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.

4. Water Treatment and Waste Water Treatment Plants

The City of Aztec Water Treatment and Waste Water Treatment Plants are exempt from the ordinance in its maintenance practices of washing down and back flushing of equipment using treated water.

5. City Parks and Medians

To avoid conflicting with publicly scheduled water usage and to minimize impacts to reserves at the water plant facility, an alternate schedule for City parks may be authorized by the City Manager when provided by the General Services Department.

(Ord. 2021-515, eff. 2021-Jun-30 Ord. 2018-477, eff. 2018-Jul-18)

ARTICLE III. DROUGHT CONDITION MEASURES

Sec. 31-7. Drought Stage Determination.

The City Manager, upon consultation with the City Commission and the Water Chief Operator, shall determine when each stage is to be implemented based on operational requirements and predicted/actual water supply limitations. Implementation of stages may not be sequential and the duration will be determined by the City Manager, upon consultation with the City Commission and the Water Chief Operator. The following stages of water drought conservation measures will be implemented when conditions are warranted.

(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-8. Stage 1.

Stage 1 water drought conservation is voluntary and the following subsections are recommendations to the public with respect to water use and conservation.

1. Customers using any city provided water to irrigate any lawn, garden, tree or shrub should use water between the hours of 4:00 a.m. and 10:00 a.m. and/or between the hours of 6:00 p.m. and 10:00 p.m. of any day on which irrigation is scheduled. Watering should not be done if windy conditions greater than 12 mph exist.

Address	Water On	Times Permitted
Even Numbered	Even Numbered Days	4:00 a.m. and 10:00 a.m. AND/OR 6:00 p.m. and 10:00 p.m.
Odd Numbered	Odd Numbered Days	4:00 a.m. and 10:00 a.m. AND/OR 6:00 p.m. and 10:00 p.m.

These restrictions are recommended to all residents, businesses, institutions and industrial facilities, irrigating with City provided water possessing lawns, gardens, trees or shrubs and shall also apply to all parks and properties owned by the City, County and State. These restrictions shall not apply to a person, firm, or corporation engaging in business of growing or selling plants.

2. Customers are discouraged from filling outdoor swimming pools and spas/hot tubs. Swimming pools and spas/hot tubs should be covered when not in use.
3. Water features may operate if they re-circulate water but not when winds exceed 12 mph. Water features that do not re-circulate water are prohibited.
(Ord. 2021-515, eff. 2021-Jun-30 Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-9. Stage 2.

Stage 2 water drought conservation is mandatory and warnings will be given. Citations with penalties will be issued for repeat offenders. Customers are requested to contact the Utility Office (505) 334-7670 for any unusual water usage, whether a citation has been issued or not.

1. No customer shall use any city provided water to irrigate any lawn, garden, tree or shrub except between the hours of 4:00 a.m. to 10:00 a.m. or between the hours of 6:00 p.m. to 10:00 p.m. of any day on which irrigation is permitted. No watering will be allowed if windy conditions greater than 12 mph exist.

Address	Water On	Times Permitted
Even Numbered	Wednesdays & Saturdays Only	4:00 a.m. and 10:00 a.m. OR 6:00 p.m. and 10:00 p.m.
Odd Numbered	Thursdays & Sundays Only	4:00 a.m. and 10:00 a.m. OR 6:00 p.m. and 10:00 p.m.

These restrictions shall apply to all residents, businesses, institutions and industrial facilities, irrigating with City provided water possessing lawns, gardens, trees, or shrubs and shall also apply to all parks and properties owned by the City, County and State. These restrictions shall not apply to a person, firm or corporation engaging in the business of growing or selling plants.

2. Concrete, cement, asphalt, or other impervious surfaces (including vehicles) may be washed down with a nuzzled hose, power washer, or other means of transported water, only on Tuesdays, Thursdays, and Saturdays. Washing of such impervious surfaces can only be done on other days if a health hazard exists. Surfaces include, but are not limited to, sidewalks, parking lots, ramps and loading docks.
3. No swimming pools or spas/hot tubs will be filled and no City provided water shall be added to any swimming pool or spa/hot tub, unless the water is transported in from another source or means. Any enclosed swimming pool owned by the municipality or public school is exempt.
4. Water features may operate if they re-circulate water, but not when windy conditions exceeding 12 mph exist. Water features that do not re-circulate water are prohibited from operation.
5. The operation schedule for the City’s Splash Park at Minium Park will be determined by the City Manager in consultation with the Parks Director and Water Chief Operator.
(Ord. 2021-515, eff. 2021-Jun-30 Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-10. Stage 3.

Stage 3 water drought conservation is mandatory and penalties will be issued upon first notice. Customers are requested to contact the Utility Office (505) 334-7670 for any unusual water usage, whether a citation has been issued or not.

1. No customer shall use any city provided water to irrigate any lawn, garden, tree or shrub except between the hours of 4:00 a.m. to 10:00 a.m. or between the hours of 6:00 p.m. to 10:00 p.m. of any day on which irrigation is permitted. No watering will be allowed if windy conditions greater than 12 mph exist.

Address	Water On	Times Permitted
Even Numbered	Wednesdays Only	4:00 a.m. and 10:00 a.m. OR 6:00 p.m. and 10:00
Odd Numbered	Thursdays Only	4:00 a.m. and 10:00 a.m. OR 6:00 p.m. and 10:00

These restrictions shall apply to all residents, businesses, institutions and industrial facilities, irrigating with City provided water possessing lawns, gardens, trees, or shrubs and shall also apply to all parks and properties owned by the City, County and State.

2. Concrete, cement, asphalt, or other impervious surfaces (including vehicles) shall not be washed down with a nuzzled hose, power washer, or other means of transported water, unless there is a hazard to be removed. Surfaces include, but are not limited to, sidewalks, parking lots, ramps and loading docks.
3. No swimming pools or spas/hot tubs will be filled and no City provided water shall be added to any swimming pool or spa/hot tub, unless the water is transported in from another source or means. Any enclosed swimming pool owned by the municipality or public school is exempt.
4. All restaurants are prohibited from serving water to their customers except when specifically requested by the customer(s).
5. All water features are prohibited from operation.
6. No new hydrant meters will be issued and existing in use hydrant meters will be monitored.
7. Motor vehicle washing at private residences and fund raising car washes at commercial businesses are prohibited. Motor vehicle washing at self-serve and automated washes is permitted. Motor vehicle washing at businesses that wash vehicles shall use high pressure wash systems.
8. The operation schedule for the City’s Splash Park at Minium Park will be determined by the City Manager in consultation with the Parks Director and Water Chief Operator.
9. No new accounts will be issued for bulk water sales.
10. Emergency restrictions may also include City action to restrict the use of private wells and/or ditches, as deemed necessary by the State Engineers Office, to the extent authorized by State law.

[\(Ord. 2021-515, eff. 2021-Jun-30 Ord. 2018-477, eff. 2018-Jul-18\)](#)

Sec. 31-11. Stage 4.

Said emergency restriction 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 Animas River System to protect it during actual or predicted drought conditions. The City Manager, Water Chief Operator and/or Staff shall make public announcements through the local news media defining Stage 4. Announcements shall describe the following restrictions.

1. All Stage 3 measures not otherwise addressed in this section will remain in effect.
2. No outside watering using City treated water or City irrigation water is allowed.
3. Residential water users will be provided water to the extent that the City of Aztec and the City of Bloomfield are capable of providing treated water.
4. Residential water sales will be subject to emergency water rates and will pay for usage above 15,000 gallons which is established in [Chapter 16, Section 16-203](#). This will be in effect at the next full billing cycle.
5. Commercial water users will be provided water to the extent that the City of Aztec and the City of Bloomfield are capable of providing treated water. Further restrictions could be enforced depending upon the supply and availability of water.
6. Commercial water sales will be subject to emergency water rates and will pay an additional \$1.⁰⁰ per 1,000 gallons on all usage over 10,000 gallons per month.
7. No water will be added to any pools or spas.
8. Motor vehicle washing at private residences and fund raising car washes at commercial businesses are prohibited. Motor vehicle washing at self-serve, automated car washes, or at businesses that wash motor vehicles shall limit washing between Wednesday through Saturday and the hours of 10:00 a.m and 5:00 p.m. Exception to this is when the operator of the motor vehicle wash obtains a permit from the water utility based on a demonstration that alternate methods of operation or alternate days and hours of operation will result in a reduction in water use equal to what would be achieved by compliance with the days and hours specified in this section. All motor vehicle washing that is allowed must be done using a high pressure wash system.
9. Water features and City's Splash Park at Minium Park will not operate.
10. Exceptions to any of the above will be at the City Manager's discretion.

(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-12. Special Use and Restrictions.

The following type of special uses and restrictions shall apply:

1. Landscape companies, properly licensed by the City of Aztec, shall comply with the following:
 - (1) Irrigation for maintenance service shall be conducted as per [Sec. 31-5](#). Irrigation during regular year round water conservation and Section 7 during times when additional water conservation measures are deemed necessary.
 - (2) 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 restriction practices.
2. New construction or remodeling by Commercial Contractors and Private Individuals. Commercial Contractors are required to obtain the proper building permit. Said construction shall meet standards outlined in [Sec. 31-5](#).
(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-13. Enforcement.

The City Manager or designee to include but not limited to the Water Chief Operator, City Police Department, and Code Enforcement will enforce the Water Conservation Plan in the following manner:

1. Education

- (1) The City Manager, Water Chief Operator and other City Departments will inform the public of the water conservation measures of this Plan. Public information and education will be conducted for a reasonable time, with various methods, so as to allow the public to become informed of said conservation measures.
- (2) The City Administration Office, with assistance from the Water Chief Operator, will maintain a continuing education program concerning water conservation to include the measures of this Plan and supporting Resolution throughout the year, as needed.

2. Violation and Penalties

The following procedure and applicable penalty will be used in addressing violations of the supporting Resolution 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 citation shall advise the party of the nature of the offense and of the section of the Plan and supporting Resolution that has been violated. The result of the first violation shall be the distribution of a copy of this Plan and Supporting Resolution and an education 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 Plan and supporting Resolution advising the party of specific violations and include penalty fee to be assessed through the Utility Billing. The

penalty for the second violation will be consistent with the penalty noted in Section 10, depending on the declared stage of drought.

- (3) Repeated violations will be consistent with the penalty noted in Section 10, depending on the declared stage of drought.
(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-14. Violations and Penalties.

1. All violations of Stages 2, 3 and 4 shall be assessed through the Utility Billing. Fine monies will be placed in the Joint Utility Fund to offset reductions in revenue.
2. Penalties are established in [Chapter 16, Sec. 16-203](#).
3. Terminations and re-establishments of services shall be determined by the City Manager with advice from the Police Department, Finance Director and the Water Chief Operator. Any person, business, institution or industrial plant found in violation of the supporting.
(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-15. Appeals Process.

Any person who has been assessed a penalty or surcharge under this chapter and desires to appeal such penalty or surcharge, shall submit a written request to review the assessment to the Aztec Utility Billing Office. Such written request shall be submitted within ten (10) calendar days of the bill date from which the penalty or surcharge was assessed.

Upon receipt of the written request to review assessment, the Utility Business Office Director, may consider such factors as:

- The steps the water user has taken to correct the violation;
- Any unusual or unique circumstances that may have contributed to the violation having occurred;
- Any extraordinary hardship caused by the imposition of such penalties; and
- Any other relevant information presented by the water customer.

Collection of the penalty shall be held in abeyance during the pendency of any review. The Utility Business Office Director, the City Manager shall have the authority to suspend or cancel all or part of the penalty imposed for such violation if the review process determines that the penalty was inappropriately imposed or that the water customer has taken reasonable steps to prevent reoccurrence of such violation.

The decision of the review by the Utility Business Office Director may be appealed to the City Manager. The City Manager shall conduct a review in a manner similar to the procedure followed by the Utility Business Office Director described in this section. The decision of the review by the City Manager may be appealed to the Aztec City Commission in which a Quasi Judicial Hearing will be schedule. At the appeal hearing, City Commissioners shall hear the facts and may consider such other factors as:

- The steps the water user has taken to correct the violation;
- Any unusual or unique circumstances that may have contributed to the violation having occurred;
- Any extraordinary hardship caused by the imposition of such penalties; and

- Any other relevant information presented by the water customer.

Collection of the penalty shall be held in abeyance during the pendency of any hearing. The city commissioners shall have the authority to suspend or cancel all or part of the penalty imposed for such violation if the board determines that the penalty was inappropriately imposed or that the water customer has taken reasonable steps to prevent reoccurrence of such violation. The city commissioners shall make a record of the proceeding which shall include findings of fact and conclusions of law. The decision of the Aztec City Commission is the final step in the administrative procedures and is conclusive upon the water customer or violator. Any water customer or violator shall be considered to have exhausted all available administrative remedies upon issuance of the decision by the Aztec City Commissioners. Any customer or violator aggrieved by the decision of the Aztec City Commissioners may appeal such decision to district court.

(Ord. 2018-477, eff. 2018-Jul-18)

Sec. 31-16 to 31-20 Reserved.

Sec. 31-21. Definitions.

Administrative Approval

May be granted by City Manager and/or Water Chief Operator.

City Provided Water

Water which is diverted or pumped from surface water and/or well sources and supplied to all citizens, businesses, industrial and governmental customers.

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 who's 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 al large landscaped area associated with one building or activity, even if the landscaped area is broken into many separate sub-areas.

Odd-Numbered Properties

Properties who's official address ends in and odd number. Conditions except dates of watering are the same as *Even-Numbered Properties*.

Semi-Public

Any private clubs and/or fraternal organizations.

Service Area

All customers receiving water service from the City of Aztec water source.

Shut Off Nozzle

Device attached to end of hose that completely turns 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 New Mexico Environment Department.

Water Feature

Ornamental fountains and fish ponds.

Water Waste

The non-beneficial use of water.

(Ord. 2018-477, eff. 2018-Jul-18)