

ORDINANCE NO. 284

AN ORDINANCE AMENDING TITLE 13, CHAPTER 13.15 OF THE CODE OF ORDINANCES TO ESTABLISH THE WATER CONSERVATION PLAN AS SECTIONS 13.15.050 THROUGH 13.15.140 THEREOF AND TO AMEND VARIOUS PROVISIONS IN SAID SECTIONS IN ORDER TO IMPLEMENT THE WATER CONSERVATION PLAN OF THE VILLAGE

Whereas, it is the intention of the governing body of the Village of Cimarron to establish and implement a Water Conservation Plan; and

Whereas, sections 13.15.050 through 13.15.140 of the Code of Ordinances shall be henceforth known as “The Water Conservation Plan”; and

Whereas, in order to effectively implement said Water Conservation Plan, it is necessary to amend the following sections of Chapter 13.15 of the Code of Ordinances, to wit: §13.15.050; §13.15.055; §13.15.070; §13.15.080; §13.15.090; §13.15.100; §13.15.110; §13.15.120 and §13.15.130; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF CIMARRON that Title 13, Chapter 13.15 of the Code of Ordinances be amended to read as follows:

Section One. Section 13.15.050 of the Code of Ordinances is amended to read in its entirety as follows:

Section 13.15.050 Water conservation plan; water conservation incentive.

A. Sections 13.15.050 through 13.15.140 of this Chapter shall be known as “The Water Conservation Plan.”

B. On an annual basis, the property owner may apply for a water conservation incentive. This water conservation incentive is available to property owners who provide the Village with proof of purchase of water conservation approved products. Products which qualify for the water conservation incentive are low flow toilets, shower head water restrictors, gray water systems, etc. Property owners are encouraged to verify with the Village that a product is part of the incentive program prior to purchase, as no incentive will be assessed for any non-qualifying products. Incentives shall be assessed at 10 percent of the purchase value, up to a maximum of \$50.00 annually.

C. The Village Council may find that, because of the conditions prevailing in the Village of Cimarron, the general welfare requires that the Village maximize the beneficial use of its water resources to the extent to which it is capable, that the prohibition on waste or unreasonable use thereof is necessary to conserve available water resources, and that the emergency regulations and restrictions serve the beneficial use of the water by the Village and are in the interests of the citizens of the Village of Cimarron and are in furtherance of the public health, safety and welfare.

Section Two. A new section 13.15.055 is added to this Chapter to read as follows:

13.15.055 Definitions.

- A. “Outdoor watering” means the application of water to land by any means.
- B. “Regular outdoor watering” means the application of water to land by any means other than those identified as conservation outdoor watering.
- C. “Conservation outdoor watering” means outdoor watering by means of drip irrigation, a hand-held hose equipped with a positive shut-off nozzle or a hand-held container.
- D. “Irrigation” means the application of water to land by any means other than a hand-held hose, hand-held containers, sprinklers or drip-irrigation.
- E. “Drip irrigation” means the application of water to land by means of a system of perforated conduits that distribute the water by intermittent dripping rather than by a steady flow.
- F. “Sprinkler” means a mechanism for applying water to land by hose or other conduits which have sprinkler heads that allow a continuous flow of water in a spray-type pattern.
- G. “Reclaimed water” means waste water that can be reused for other purposes. Reuse may include irrigation of gardens and agricultural fields or replenishing surface water and groundwater. Reclaimed water may also be directed toward fulfilling certain needs in residences, businesses, and industry.
- H. “Construction meter” means a portable and temporary water metering device that is designed for use at construction sites or other approved work sites that are not currently served by a permanent water meter installed and connected to the municipal water system.

Section Three. Section 13.15.070 of the code is amended to read in its entirety as follows:

13.15.070 Waste of water prohibited.

A. The Village of Cimarron promotes the conservation of water to minimize draining of existing supplies and to reduce the cost of treating both fresh and wastewater. No water delivered to any customer shall be unnecessarily wasted. All water outlets should be kept closed except when in use.

B. At no time shall water be used unreasonably. Unreasonable use of water shall include, but is not limited to, the following practices:

1. Allowing water to leave the person’s property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks,

2. Failure to repair a water leak upon initial discovery or notification,

3. The use of water to wash down sidewalks, driveways, parking areas, or other paved areas except to alleviate immediate safety or sanitation hazards. Upon declaration of any water stage above Stage 1, this prohibition shall extend to patios, tennis courts and other leisure or recreational areas.

4. Failure to use shutoff nozzles on all hoses used for hand watering, washing of vehicles, or any other type of outdoor water use is considered unreasonable usage of water in all stages of The Water Conservation Plan.

Section Four. Section 13.15.080 of the Code is amended to read in its entirety as follows:

13.15.080 Water emergency regulations and restrictions.

The Mayor, upon receiving data from the public utilities department, may declare a water service emergency exists in any and/or all parts of the Village of Cimarron municipal water system, including areas inside or outside the Village limits, upon a finding and determination that any one of the following conditions exists within the Village of Cimarron:

- A. A general water supply shortage which is due to increased demand or limited supply;
- B. Distribution or storage facilities of the Village Water Utility are inadequate to meet demand or minimum quality standards; or
- C. A disruption of the supply, storage, and distribution facilities of the Village Water Utility occurs.

The water service emergency declaration shall continue in effect until the next meeting of the Village Council at which the matter can be put to a vote on whether to confirm and continue the Mayor's declaration of a water service emergency. Upon a determination by the Village Council that a water service emergency exists, the Council may implement the applicable stage of the Water Conservation Plan and/or 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 Village Council's opinion, relieve the water shortage in any such section or sections of the water service area.

Section Five. Section 13.15.090 of the Code is amended to read in its entirety as follows:

13.15.090 Application.

The provisions of The Water Conservation Plan shall apply to all customers, persons and property served by the Village water utility, wherever situated.

Section Six. Section 13.15.100 is deleted in its entirety and reserved for future purposes.

13.15.100 Reserved.

Section Seven. Section 13.15.110 of the Code is amended to read in its entirety as follows:

13.15.110 Conservation Implementation.

The Village Water Utility shall monitor the projected supply and demand for water by its customers and shall recommend to the Mayor and Council the implementation of conservation stages and other conservation measures believed to be necessary. The Mayor and/or the Village Council may order the implementation or termination of the appropriate compliance stage and other emergency measures in accordance with the applicable provisions of this chapter. The declaration of any stage shall be made by public announcement and shall be posted in the manner required by law for official notices. Other emergency measures shall be posted as determined by the Council in its declaration. The designated stage of compliance and other emergency measures shall become effective immediately upon announcement and shall continue in effect until the expiration of the date set forth by the Council upon the declaration of the water emergency if a date is prescribed, or until otherwise terminated by the Council.

Section Eight. Section 13.15.120 of the Code is amended to read in its entirety as follows:

13.15.120 Water emergency management stages.

A. No customer of the Village of Cimarron Water Utility shall make, cause, use or permit the use of water from the Village for residential, commercial, industrial, agricultural, governmental or any purpose in a manner contrary to any provisions of the Water Conservation Plan, or in an amount in excess of that permitted by the following water emergency management stages which are then in effect,

B. Each Village water meter customer will have a maximum allowable water usage (MAWU) established by that meter's annual average usage for the calendar year of 2017. The MAWU should be reviewed and revised at the direction of the Village Clerk/Administrator and approved by the Village Council every three (3) years. The MAWU will be used to determine the target water usage level for each Water Utility customer under each specific water emergency stage. The MAWU and, when in a declared water emergency stage, the target water usage level will be printed on each Village water meter customer's monthly bill.

C. All Village of Cimarron Water Utility customers whose MAWU is 2000 gallons or less are exempt from all stages of this Water Conservation Plan. These Water Utility customers will remain exempt until such time that their monthly billed water usage exceeds 2000 gallons per monthly billing cycle for three (3) consecutive months. When an exempted Water Utility customer under this section exceeds 2000 gallons in any three (3) consecutive monthly billing cycles their maximum allowable water usage (MAWU) will be determined based on a usage of 40 gallons per person per day for each permanent resident within that household until three (3) consecutive monthly billing cycles have been completed. This three (3) consecutive month average will be the new MAWU for that customer until the next periodic review by the Village Clerk/Administrator.

D. New Water Customer and Life Situation Changes

1. New Residential Customer: A new residential customer to the Village of Cimarron Water Utility who does not have an established water usage history will be assigned the three (3) year average of the meter servicing their residence as their maximum allowable water usage (MAWU). If the new customer is provided a new meter with a zero (0) reading, their MAWU will be determined based on a usage of 40 gallons per person per day for each permanent resident within that household until three (3) consecutive monthly billing cycles have been completed. The average of these three (3) consecutive months will be the MAWU for that customer until the next periodic review by the Village Clerk/Administrator.

2. New Commercial Customer: A new commercial customer to the Village of Cimarron Water Utility who does not have an established water usage history will be assigned a maximum allowable water usage (MAWU) that is equal to a reasonable industry standard for a company of similar size and same industry as the new commercial customer's industry. This will be the MAWU for the first three (3) consecutive monthly billing cycles. The average of these three (3) consecutive months will be the MAWU for that customer until the next periodic review by the Village Clerk/Administrator.

3. Life Situation Changes: A customer of the Cimarron Water Utility who is affected by a major change in their life situation that will adversely impact their ability to conserve water may apply to the Village Rate Clerk for an extended change in status. The change in status must be approved by the Mayor and/or the Village Council. Upon approval the Water Utility customer's water usage will be based upon a usage of 40 gallons per person per day for each permanent resident within that household until three (3) consecutive monthly billing cycles have been completed. The average of these three (3) months will be the MAWU for that customer until the next periodic review by the Village Clerk/Administrator.

E. Stages of compliance.

1. Stage 1. Mandatory Compliance. Water Watch. Stage 1 applies during periods when it is projected that the Village's Water Utility will not be able to meet all of the water demands of the customers by up to fifteen percent (15%) of the annual projected demand. Stage 1 conservation requirements are as follows:

a. Reduction in use.

i. Each customer, except as exempted herein, shall be required to reduce water usage to a target level that is 15% below the customer's MAWU. All water used above the target level in any billing cycle will be billed at the stated rate in Article X of this ordinance in addition to a fee of \$10 for each 1,000 gallons or any portion thereof used over the target level.

ii. The requirement of a 15% reduction in use shall apply to all customers except for food service establishments licensed by the State of New Mexico, laundries, car washes, long-term care facilities, and lodging establishments.

iii. Establishments that are exempt from Stage 1 reduction requirements shall place public notices within their establishments that inform their customers of the current stage of water restriction and encourage their customers to conserve water where possible.

b. Outdoor watering. The provisions of this paragraph apply to all residential and commercial property, including parks, school grounds and recreation fields, except as otherwise specified. Outdoor watering in Stage 1 is permitted as follows:

i. Property situated on the north side of U.S. Highway 64: outdoor watering is allowed on Mondays, Wednesdays and Fridays. Property situated on the south side of U. S. Highway 64: outdoor watering is permitted on Tuesdays, Thursdays and Saturdays. No outdoor watering is permitted on Sundays.

ii. No regular outdoor watering is allowed between the hours of 7:00 AM and 7:00 PM.

iii. Conservation outdoor watering is permitted on the designated days at any time.

iv. Irrigation of land with water provided by the Village Water Utility is prohibited in Stage

c. Vehicle washing. Vehicle washing at a commercial car wash, including but not limited to cars, trucks, trailers, boats and other mobile equipment, shall be permitted at any time in Stage 1. Commercial car wash establishments are not subject to Stage 1 restrictions. The Village will encourage the use of recycling systems and other conservation techniques available to the industry at commercial car wash establishments. Vehicle washing is permitted at any time in other outdoor locations provided that all such washing shall require the use of a hand-held container or a hand-held hose with positive shut-off nozzle which is used only for rinsing.

d. Construction operations. Construction operations receiving water from construction meters or water trucks shall not use water unnecessarily for any purpose other than those required by regulatory agencies. Construction projects requiring water for new landscaping materials will be restricted to assigned days of the week and approved hours for Stage 1.

e. Pools and Spas. No filling or refilling of re-circulating pools and spas is allowed in Stage 1.

f. Fire hydrants. Use of water from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens serviced by the municipal water system.

2. Stage 2. Mandatory Compliance. Water Alert. Stage 2 applies during periods when it is projected that the Village's Water Utility will not be able to meet between sixteen to thirty percent (16%-30%) of the annual projected demand. Stage 2 conservation requirements are as follows:

a. Reduction in use.

i. Each customer, except as exempted herein, shall be required to reduce water usage to a target level that is 20% below the customer's MAWU. All water used above the target level in any billing cycle will be billed at the stated rate in Article X of this ordinance in addition to a fee of \$15 for each 1,000 gallons or any portion thereof used over the target level.

ii. The requirement of a 20% reduction in use shall apply to all customers except for food service establishments licensed by the State of New Mexico, laundries, car washes, long-term care facilities, and lodging establishments.

iii. Establishments that are exempt from Stage 2 reduction requirements shall place public notices within their establishments that inform their customers of the current stage of water restriction and encourage their customers to conserve water where possible.

b. Outdoor watering. The provisions of this paragraph apply to all residential and commercial property, including parks, school grounds and recreation fields, except as otherwise specified. Outdoor watering in Stage 2 is permitted as follows:

i. Property situated on the north side of U.S. Highway 64: outdoor watering is allowed on Mondays and Fridays. Property situated on the south side of U. S. Highway 64: outdoor watering is permitted on Tuesdays and Saturdays. No outdoor watering is permitted on Wednesdays, Thursdays, or Sundays.

ii. No regular outdoor watering is allowed between the hours of 7:00 AM and 7:00 PM.

iii. Conservation outdoor watering is permitted on the designated days at any time.

iv. Irrigation of land with water provided by the Village Water Utility is prohibited in Stage

c. Vehicle washing. Vehicle washing at a commercial car wash, including but not limited to cars, trucks, trailers, boats and other mobile equipment, shall be permitted at any time in Stage 2. Commercial car wash establishments are not subject to Stage 2 restrictions. The Village will encourage the use of recycling systems and other conservation techniques available to the industry at commercial car wash establishments. Vehicle washing is permitted at any time in other outdoor locations provided that all such washing shall require the use of a hand-held container or a hand-held hose with positive shut-off nozzle which is used only for rinsing.

d. Construction operations. Construction operations receiving water from construction meters or water trucks shall not use water unnecessarily for any purpose other than those required by regulatory agencies. Construction projects requiring water for new landscaping materials will be restricted to assigned days of the week and approved hours for Stage 2.

e. Pools and Spas. No filling or refilling of re-circulating pools and spas is allowed in Stage 2.

f. Fire hydrants. Use of water from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens serviced by the municipal water system.

g. Restaurants. Restaurants shall serve water only upon request.

3. Stage 3. Mandatory Compliance. Water Warning. Stage 3 applies during periods when it is projected that the Village's Water Utility will not be able to meet between thirty-one to fifty percent (31% -50%) of the annual projected demand. Stage 3 conservation requirements are as follows:

a. Reduction in use.

i. Each customer, except as exempted herein, shall be required to reduce water usage that is 30% below the customer's MAWU. All water used above the target level in any billing cycle will be billed at the stated rate in Article X of this ordinance in addition to a fee of \$20 for each 1,000 gallons or any portion thereof used over the target level.

ii. The requirement of a 30% reduction in use shall apply to all customers except for food service establishments licensed by the State of New Mexico, laundries, car washes, long-term care facilities, and lodging establishments.

iii. Establishments that are exempt from Stage 3 reduction requirements shall place public notices within their establishments that inform their customers of the current stage of water restriction and encourage their customers to conserve water where possible.

b. Outdoor watering. The provisions of this paragraph apply to all residential and commercial property, including parks, school grounds and recreation fields, except as otherwise specified. Outdoor watering in Stage 3 is permitted as follows:

i. Property situated on the north side of U.S. Highway 64: outdoor watering is allowed on Mondays. Property situated on the south side of U. S. Highway 64: outdoor watering is permitted on Fridays. No outdoor watering is permitted on Tuesdays, Wednesdays, Thursdays, Saturdays or Sundays.

ii. No regular outdoor watering is allowed between the hours of 7:00 AM and 7:00 PM.

iii. Conservation outdoor watering is permitted on the designated days at any time.

iv. Irrigation of land with water provided by the Village Water Utility is prohibited in Stage

c. Vehicle Washing. The washing of vehicles, including but not limited to cars, trucks, trailers, boats and other mobile equipment at commercial car wash establishments is prohibited. The only exception is where frequent cleaning is required for the public health, safety and welfare, such as for vehicles used to transport food and perishables, and vehicle used for refuse collection. No other washing of vehicles shall be permitted. The Village will encourage the use of recycling systems and other conservation techniques available to the industry.

d. Construction operations. Construction operations receiving water from construction meters or water trucks shall not use water unnecessarily for any purpose other than those required by regulatory agencies. Construction projects requiring water for new landscaping materials will be restricted to assigned days of the week and approved hours for Stage 3.

e. Pools and Spas. No filling or refilling of re-circulating pools and spas is allowed in Stage 3.

f. Fire hydrants. Use of water from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens serviced by the municipal water system

g. Restaurants. Restaurants shall serve water only upon request.

4. Stage 4. Mandatory Compliance. Water Emergency. Stage 4 applies during periods when it is projected that the Village's Water Utility will not be able to meet fifty-one percent (51%) or more of the annual projected demand. Stage 4 conservation requirements are as follows:

a. Reduction in use.

i. Each customer, except as exempted herein, shall be required to reduce water usage to a target level that is 40% below the customer's MAWU. All water used above the target level in any billing cycle will be billed at the stated rate in Article X of this ordinance in addition to a fee of \$25 for each 1,000 gallons or any portion thereof used over the target level.

ii. The requirement of a 40% reduction in use shall apply to all customers except for food service establishments licensed by the State of New Mexico, laundries, long-term care facilities, and lodging establishments.

iii. Food service establishments licensed by the State of New Mexico, laundries, long-term care facilities, and lodging establishments are restricted in Stage 4 to 20% of their established MAWU. All water used above the target level of 20% of MAWU in any billing cycle will be billed at the stated rate in Article X of this ordinance in addition to a fee of \$25 for each 1,000 gallons or any portion thereof used over the target level.

b. Outdoor watering. All outdoor and conservation watering is prohibited in Stage 4. The washing of vehicles, including but not limited to cars, trucks, trailers, boats and other mobile equipment at commercial car wash establishments is prohibited. The only exception is where frequent cleaning is required for the public health, safety and welfare, such as for vehicles used to transport food and perishables, and vehicle used for refuse collection. No other washing of vehicles shall be permitted. The Village will encourage the use of recycling systems and other conservation techniques available to the industry.

c. Construction operations. No new construction meters will be issued by the Village in Stage 4. Construction projects necessary to maintaining the health, safety and welfare of the public shall comply with the regulations applicable to Stage 3.

d. Pools and Spas. No filling or refilling of re-circulating pools and spas is allowed in Stage 4.

e. Fire hydrants. Use of water from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens serviced by the municipal water system.

f. Restaurants. Restaurants shall serve water only upon request.

5. Hardship case waivers. Individuals and entities who are charged additional fees under any stage of the Water Conservation Plan may apply in writing to the Village Rate Clerk for an exception waiver. Such waiver may be granted on a case by case basis with the recommendation of the Village Administrator and review and approval of the Village Council at the next scheduled council meeting. The Village Council will have sole discretion to determine the scope and limit of the exemption to be granted.

Section Nine. Section 13.15.130 of the Code is amended to read in its entirety as follows:

13.15.130 Penalty.

A. Any person who violates the provisions of the Water Conservation Plan shall be subject to the general penalty provisions of section 1.25.010.

B. In addition to any fines or sentences under 1.25.010, the Village may seek such administrative enforcement of this ordinance and such other civil remedies as may be provided by law, which enforcement and remedies shall be cumulative, and the Village may pursue one or more of them, simultaneously or in succession.

Section Ten. Severability.

If any provision of this ordinance, or the application of same to any person or set of circumstances is, for any reason, held to be invalid, the validity of the remaining portions of this

ordinance shall not be affected, and all provisions of this ordinance are declared to be severable for that purpose.

Section Eleven. Effective Date.

Upon adoption by the Governing Body, the title and general summary of the subject matter contained in this ordinance shall be published in a newspaper which is of general circulation in the Village in accordance with law and posted in the Office of the Village Clerk-Administrator. The ordinance shall be effective five (5) days after such publication.

PASSED, APPROVED AND ADOPTED this 10 day of April 2019.



Leo R. Martinez, Mayor

Attest:



Shawn Jeffrey, Clerk-Administrator