

- **Chapter 13.20 - EMERGENCY WATER SHORTAGE PLAN**

Sections:

- **13.20.010 - Statement of policy.**

- A. The governing body has determined that the public health, safety and welfare requires maximum beneficial use of its available water resources to the extent to which it is capable, and that the conservation and most efficient use of water is in the best interest of the community.
- B. The purpose of this chapter is to provide a means for the governing body to implement measures to manage water use in response to emergencies or catastrophic events that may disrupt the municipal water supply system.
- C. As a basis for initiating actions pursuant to this chapter, the governing body finds that water shortages may exist due to one or more of the following conditions:
 - 1. A general water supply shortage due to a sudden increase in demand or a reduction or at the source of supply;
 - 2. The distribution system or storage facilities of the water utility are inadequate to meet the current or anticipated demands of the water service customers;
 - 3. The water supply system is unable to maintain the minimum water quality standards in accordance with all applicable laws and regulations; or
 - 4. A mechanical or structural breakdown of the supply, storage and/or distribution facilities of the water supply system.

(Ord. 331 § 1, 2006)

- **13.20.020 - Authorization.**

- A. The governing body may determine and declare that a water emergency exists within the municipal water service area and, upon such determination, to promulgate regulations, rules and conditions relative to the use of water in order to relieve the water shortage.
- B. The village administrator, following public notice, is authorized to implement the emergency water shortage plan through the applicable provisions of this chapter.

(Ord. 331 § 2, 2006)

- **13.20.030 - Application.**

- A. The provisions of this chapter shall apply to all persons, customers and property served by the municipal water utility system. With the exception of temporary water emergency surcharges, these provisions shall also apply to all water users within the corporate limits of the municipality.
- B. All domestic wells within the jurisdiction of the municipality shall be governed by this chapter as authorized by state law [3-53-1, 3-53-1.1, and 3-53-2 NMSA 1978].

(Ord. 331 § 3, 2006)

- **13.20.040 - Water emergency stages.**

Any of the following water emergency stages may be declared by the governing body following a determination regarding the severity of conditions leading to a water shortage. Such determination shall be based on the best available information and data regarding the water supply and distribution system.

There are three water emergency stages which are triggered by an impending shortage of water estimated to occur during a specified period of time. If the severity of the water emergency lessens, the governing body may downgrade the water shortage to a lower stage or discontinue the water emergency. The water use restrictions and regulations of each stage are added to all higher level stages, unless the higher stage has a more stringent requirement.

A. Stage 1: Water Shortage Advisory—Voluntary Compliance. Whenever the estimated demands on the water system exceed the estimated supply such that it appears that there will be a substantial shortage of water over the next twelve-month period, a stage 1 water shortage advisory will be declared. The following requirements shall be in effect, and unless otherwise noted, are voluntary but strongly encouraged:

1. The village administrator shall make public announcements through the local news media and any other means available that an impending water problem exists, explaining the water conservation requirements of the stage 1 water shortage advisory;
2. All residents are encouraged to minimize indoor water use by utilizing high efficiency fixtures and appliances, decreasing water use for eating and cleaning purposes, and eliminating all on-site water leaks;
3. Restaurants and banquets are requested to discontinue serving nonbottled drinking water, except upon request;
4. Hotels and motels are urged to implement water conservation measures, including less frequent changing of towels and bed linens during short stays, except upon request;
5. With the exception of hand watering, drip, or subsurface irrigation, all spray irrigation shall be prohibited between ten a.m. and six p.m. daily from the first day of April to the last day of September of each calendar year;
6. The use of potable (drinking) water for dust control and washing down sidewalks, driveways, parking areas, tennis courts, patios or other paved areas shall be prohibited;
7. Routine fire hydrant flushing shall be curtailed except to alleviate specific complaints;
8. Commercial and industrial water users are urged to implement water conservation plans for their facilities and decrease water consumption;
9. All municipal facilities will go on reduced water budgets and outdoor watering of parks, landscaping and recreational areas shall implement nighttime watering schedules;
10. The use of harvested (stored) rainwater and household greywater for outdoor watering is recommended and encouraged; and
11. All domestic well operators are urged to reduce water use to the minimum levels of absolute necessity.

B. Stage 2: Water Shortage Alert—Mandatory Compliance. Whenever the estimated demands on the water system exceed the estimated supply such that it appears that there will be a substantial shortage of water over the next six-month period, a stage 2 water shortage alert will be declared. The following mandatory requirements, in addition to the requirements of the stage 1 water shortage advisory, shall be in effect:

1. The village administrator shall make public announcements through the local news media and any other means available that an immediate water problem exists, explaining the water conservation requirements of the stage 2 water shortage alert;
2. With the exception of hand watering, drip or subsurface irrigation, use of reclaimed or greywater, all spray irrigation shall be prohibited between ten a.m. and six p.m. daily. Landscape watering will be limited to no more than three days a week per following schedule. The last number of the street address shall determine watering days. Odd numbers

may water only on Monday, Wednesday, or Friday. Even numbers may water only on Tuesday, Thursday, or Saturday;

3. No new in-ground landscaping shall be planted except for xeriscapes which utilize drip or subsurface irrigation;
4. The use of potable (drinking) water for washing of vehicles, equipment, trailers or boats shall be prohibited, except by use of a handheld bucket or hoses with shut-off nozzles; and
5. A temporary water emergency surcharge shall be instituted as an overlay onto the existing water rate structure on the first billing cycle following declaration of a stage 2 water shortage alert or a stage 3 water shortage emergency. A water emergency surcharge for residential customers shall be applied at a rate of five dollars for every thousand gallon increment above twelve thousand gallons. All industrial and commercial users will be surcharged one dollar per thousand gallons for all water billed during the stage 2 water shortage alert or stage 3 water shortage emergency.

C. Stage 3: Water Shortage Emergency—Mandatory Compliance. Whenever a major failure or disruption of the municipal water supply system occurs, or whenever the estimated demands on the water system exceed the estimated supply such that it appears that there will be a substantial shortage of water over the next two-month period, a stage 3 water shortage emergency will be declared. The following mandatory requirements, in addition to the requirements of the stage 1 water shortage advisory and the stage 2 water shortage alert, shall be in effect:

1. The village administrator shall make public announcements through the local news media and any other means available that a severe water shortage problem exists, explaining the water conservation requirements of the stage 3 water shortage emergency;
2. Subject to certain exceptions, outdoor watering of any lawn, garden, or landscaped area shall be prohibited. Watering performed with permanent drip irrigation system, sub-surface irrigation, reclaimed or greywater is exempt from these requirements. Using a handheld bucket or hose to water trees, shrubs and containerized plants is also permitted;
3. Nurseries watering container plant stock shall be exempt from the restrictions of this chapter;
4. Fire hydrant flushing shall be prohibited except for firefighting, or emergency potable water supply for human or animal consumption;
5. Use of potable water for recreational or aesthetic purposes such as water slides, fountains or yard play shall be prohibited;
6. All commercial and industrial water users shall implement a water conservation program to reduce water use to the minimum levels of absolute necessity;
7. Depending on the expected severity of the water emergency situation, the governing body shall not be limited to the defined requirements of this chapter. Should the water emergency be of such magnitude to demand more stringent action such as closure of facilities and services, the governing body shall have the authority to impose more severe restrictions or actions.

(Ord. 331 § 4, 2006)

• **13.20.050 - Violations and penalties.**

- A. The village administrator or designee shall be responsible for the enforcement of this chapter and may prescribe policies, rules or regulations to carry out the intent and purposes of this chapter.
- B. Following a determination by the village administrator or designee that a violation of any mandatory requirement of this chapter has occurred, the responsible party shall be issued a written warning citation to abate such violation immediately.

- C. If the responsible party continues to violate the stated mandatory requirement, then that party shall be cited to municipal court by the village administrator or designee. Every person convicted of a violation of this chapter shall be punished by a fine not exceeding five hundred dollars or imprisonment for a period not exceeding ninety days, or both such fine and imprisonment. The conviction and punishment of any person for a violation shall not excuse or exempt such person from the payment of any fee due or unpaid at the time of such conviction and nothing in this chapter shall prevent a criminal prosecution of any violation of the provisions of this chapter. Each violation of any mandatory requirement of this chapter shall be considered a separate offense.
- D. Disconnection of Service. For repeated violations of this chapter, the village may disconnect the violator's water service and refuse to provide water service to the violator until assurances satisfactory to the village are provided by the violators that such violations shall cease.

(Ord. 331 § 5, 2006)

- **13.20.060 - Severability.**

The provisions of this chapter shall be deemed to be severable, and should any part of this chapter be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter other than the part so declared to be unconstitutional or invalid.

(Ord. 331 § 6, 2006)