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**Albuquerque - Chapter 6: Water, Sewers and Streets****§ 6-1-4-15 EFFECTIVE DATE.**

This article shall become effective five days after publication in full.

(Ord. 18-1998)

**PART 5: WATER CONSERVATION  
WATER BY REQUEST**

**§ 6-1-5-1 INTENT.**

The public purpose of this ordinance is to:

(A) Assist in reducing overall per capita water use in the city, thereby helping to ensure a sustainable supply of water;

(B) Eliminate unnecessary use of water in restaurants by serving water to customers only when requested, thereby reducing water served and water used to wash glasses;

(C) Educate water system customers and hospitality industry clientele about and eliminate the unnecessary use of water by reducing the frequency of washing of sheets, towels, and other linens; and

(D) Encourage government facilities and businesses to eliminate waste and use water efficiently.  
(Ord. 2-2001)

**§ 6-1-5-2 SHORT TITLE.**

This ordinance shall be known as the "Water Conservation Water by Request Ordinance."  
(Ord. 2-2001)

**§ 6-1-5-3 DEFINITIONS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**BUSINESS.** Retail facility, office, shopping center or other facility in the commercial water billing class, other than multi-family or mobile home residential facilities.

**GOVERNMENT FACILITY.** Facility operated by the City of Albuquerque, Bernalillo County, State of New Mexico, United States, or other governmental entity.

**LODGING ESTABLISHMENT.** A motel, hotel, or bed and breakfast establishment which provides private rooms for overnight stay and provides towels and/or sheets and/or other linens.

**RESTAURANT.** A food service facility which serves meals to customers, including those food service facilities in lodging establishments and schools and drive-in food facilities, and excluding health and frail elderly care facilities.  
(Ord. 2-2001)

**§ 6-1-5-4 APPLICABILITY.**

All sections of this article apply to all restaurants, lodging establishments, government facilities, and businesses within the city limits and/or served by the municipal utility. Compliance with the ordinance is a condition of service from the utility.  
(Ord. 2-2001)

**§ 6-1-5-5 DRINKING WATER SERVICE.**

All restaurants shall provide drinking water only as specifically requested by the customer.  
(Ord. 2-2001)

**§ 6-1-5-6 LINEN WASHING SERVICE.**

All lodging establishments shall offer customers the option of not changing sheets and towels in private rooms for stays of less than five days. Lodging establishments shall encourage this practice, at a minimum, through posting of signs in every room instructing customers how to avoid linen service for stays less than five days. Lodging establishments with less than ten rooms may encourage this practice through brochures or other general promotional materials rather than signs in each room.  
(Ord. 2-2001)

**§ 6-1-5-7 EDUCATING EMPLOYEES, CLIENTS, AND CUSTOMERS.**

The city shall work cooperatively with government facilities and businesses to post signage informing and

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educating employees, clients, and customers about the need to and how to save water.  
(Ord. 2-2001)

**§ 6-1-5-8 ASSESSMENT OF FEES.**

Any responsible party who violates the provisions of this ordinance shall be subject to progressively higher fees until the violation ceases. The schedule for assessment of fees is as follows.

First violation	\$20
Second violation	\$50
Third and additional violation	\$100

Assessment of fees for violations of this ordinance will be through city utility bills and placed on the responsible party's billing account. The responsible party may appeal fees for violation of this ordinance and the appeal process shall follow the process set forth in § 6-1-1-12(B) of the Water Conservation Landscaping and Water Waste Ordinance. Fees shall be assessed to the responsible party's billing account within 15 days following expiration of the appeal period or issuance of appeal findings and shall be listed as a separate line item on the utility bill. Responsible parties shall be notified of the fee through certified mail within 15 days of the violation. Fees must be paid within the normal payment period allowed by the city utility billing system. Fees shall be suspended pending the outcome of an appeal. Each day in which a violation occurs shall constitute a separate offense. The responsible party will be given seven days to comply with this ordinance before another fee may be assessed.  
(Ord. 2-2001)

**PART 6: PLUMBING FIXTURE RETROFIT ON SALE****§ 6-1-6-1 SHORT TITLE.**

Sections 6-1-6-1 et seq. shall be cited as the "Plumbing Fixture Retrofit on Sale Ordinance."  
(Ord. 8-2007)

**§ 6-1-6-2 DEFINITIONS.**

For the purpose of §§ 6-1-6-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**CHANGE OF OWNERSHIP.** A transfer, sale or exchange of a fee interest in any real property, and includes a real estate contract transaction.

**EXISTING BUILDING.** Any structure, which was constructed before 1994, and which is served by the Albuquerque Bernalillo County Water Utility Authority and under the jurisdiction of the City of Albuquerque and that is equipped with an existing plumbing fixture.

**EXISTING PLUMBING FIXTURE.**

(1) Any toilet manufactured to use more than 1.6 gallons of water per flush.

(2) Any urinal manufactured to use more than 1.0 gallon of water per flush.

(3) Any showerhead manufactured to have flow capacity of more than 2.5 gallons of water per minute.

(4) Any faucet that emits more than 2.2 gallons of water per minute.

**FAUCET.** A fixture commonly known as a faucet but only when located at a kitchen or bathroom sink.

**LOW WATER USE PLUMBING FIXTURE.** A plumbing fixture that meets the requirements of the New Mexico Uniform Plumbing Code, as adopted by reference by the City of Albuquerque for installation in all new structures, buildings or additions to existing structures or buildings and includes faucets, showerheads, urinals and toilets.

**LOW WATER USE PLUMBING FIXTURE CERTIFICATE.** A certificate filed by an owner or transferee of any existing building that certifies, under penalty of perjury, that the building has been retrofitted with low water use plumbing fixtures.

**PLUMBING FIXTURE.** A faucet, showerhead, urinal or toilet.

**RETROFIT.** Means to replace any existing plumbing fixture in an existing building with a low water use plumbing fixture.

**TRANSFeree.** Any person or entity who is the buyer, grantee, assignee, or other transferee of real property.

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**TRANSFEROR.** Any person or entity who is the seller, exchanger, grantor, assignor, or other transferor of real property.

**WATER AUTHORITY.** The Albuquerque Bernalillo County Water Utility Authority, as currently constituted and as it may be constituted in the future. (Ord. 8-2007)

**§ 6-1-6-3 REQUIREMENT TO RETROFIT UPON CHANGE OF OWNERSHIP AFTER JANUARY 1, 2010.**

(A) Except as otherwise provided herein, within 90 days following a change of ownership that occurs on or after January 1, 2010, the transferee of an existing building shall replace any existing plumbing fixtures with low water use plumbing fixtures.

(B) The transferee of any existing building shall not be required to retrofit when a change of ownership occurs as a result of the following:

(1) A deed that results from the payment in full or forfeiture by a transferee under a recorded real estate contract or recorded memorandum of real estate contract;

(2) A lease of or easement on real property, regardless of the length of term;

(3) A quitclaim deed to quiet title or clear boundary disputes;

(4) A conveyance of real property executed pursuant to court order;

(5) A deed to an unpatented mining claim;

(6) An instrument solely to provide or release security for a debt or obligation;

(7) An instrument that confirms or corrects a deed previously recorded;

(8) An instrument between husband and wife or parent and child with only nominal actual consideration therefor;

(9) An instrument arising out of a sale for delinquent taxes or assessments;

(10) An instrument accomplishing a court-ordered partition;

(11) An instrument arising out of a merger or incorporation;

(12) An instrument by a subsidiary corporation to its parent corporation for no consideration, nominal consideration or in sole consideration of the cancellation or surrender of the subsidiary's stock;

(13) An instrument from a person to a trustee or from a trustee to a trust beneficiary with only nominal actual consideration therefor;

(14) An instrument to or from an intermediary for the purpose of creating a joint tenancy estate or some other form of ownership;

(15) An instrument delivered to establish a gift or a distribution from an estate of a decedent or trust;

(16) An instrument delivered pursuant to exercise of eminent domain;

(17) An instrument from one title co-holder of real property transferring, selling, or exchanging with one or more other title co-holders; or

(18) An instrument arising from a decree of dissolution of marriage, a decree of legal separation, or from a property settlement agreement incidental to such decree.

(Ord. 8-2007)

**§ 6-1-6-4 RETROFIT EXEMPTIONS.**

The following conditions and circumstances shall be exempt from the provisions of this part, and in order for such exemption to be effective, all such conditions and circumstances shall be verified by a licensed plumber on such form and in such manner as may be required by the Water Authority:

(A) Where a low water use plumbing fixture would be installed in an existing building that has been identified by a local, state, or federal government entity as an historical site, and an historically accurate water-conserving plumbing fixture is not available.

(B) Where installation of a low water use plumbing fixture would require modifications to plumbing

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system components located beneath a finished wall, floor or other surface.

(C) Where the unique configurations of a building drainage system or portions of a public sewer, or both, require a greater quantity of water to flush the system in a manner consistent with public health.

(D) Where the existing building will be demolished or rehabilitated within 90 days of the purchase of such existing building, unless the Water Authority grants an extension of such 90 day period.

(Ord. 8-2007)

**§ 6-1-6-5 PROCESS FOR VERIFICATION (SELF-VERIFICATION).**

(A) Upon completion of a retrofit, the owner of an existing building may sign a Low Water Use Plumbing Fixture Certificate and file it with the Bernalillo County Clerk ("County Clerk").

(B) Unless there has already been compliance with division (A) herein, the transferee shall sign a Low Water Use Plumbing Fixture Certificate certifying that the transferee has complied with the requirements of § 6-1-6-1 et seq. or is exempt pursuant to § 6-1-6-4.

(C) Within 30 days of the completion of the retrofit, the transferee shall file the Low Water Use Plumbing Fixture Certificate with the County Clerk.

(D) It is unlawful for any person to make a false Low Water Use Plumbing Fixture Certificate.

(Ord. 8-2007)

**§ 6-1-6-6 AGENTS OF TRANSFEREE.**

Nothing herein is intended or shall be construed to create any duty upon the agent of a transferee of any existing building, unless otherwise mutually agreed to in writing.

(Ord. 8-2007)

**§ 6-1-6-7 RIGHT TO APPEAL IMPOSITION OF PENALTY.**

Any person may appeal the imposition of a civil penalty imposed under § 6-1-6-99 pursuant to the procedures of § 6-1-1-12(B) and (C) ROA 1994.

(Ord. 8-2007)

**§ 6-1-6-99 PENALTY.**

If any owner of an existing building fails to comply with the obligation to retrofit required by §§ 6-1-6-1 et seq., such owner, after notice of the violation and of the right to appeal, shall be assessed a civil penalty of \$100 per month, beginning 90 days following the transfer of the existing building, for each plumbing fixture that is not retrofitted, until such time as a Low Water Use Plumbing Fixture Certificate is filed with the County Clerk. This penalty shall be added to the monthly water bill for the existing building and shall remain in effect until all non-complying plumbing fixtures are retrofitted and a Low Water Use Plumbing Fixture Certificate is filed with respect to each fixture.

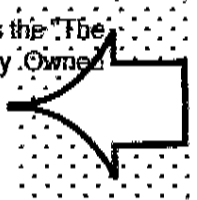
(Ord. 8-2007)

**PART 7: PLUMBING FIXTURE RETROFIT FOR CITY OWNED PROPERTY**

**§ 6-1-7-1 SHORT TITLE.**

Sections 6-1-7-1 et seq. shall be cited as the "The Plumbing Fixture Retrofit Ordinance for City Owned Property."

(Ord. 2-2009)



**§ 6-1-7-2 DEFINITIONS.**

For the purpose of §§ 6-1-7-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**EXISTING PLUMBING FIXTURE.**

(1) Any toilet manufactured to use more than 1.6 gallons of water per flush.

(2) Any urinal manufactured to use more than 1.0 gallon of water per flush.

(3) Any showerhead manufactured to have flow capacity of more than 2.5 gallons of water per minute.

(4) Any faucet that emits more than 2.5 gallons of water per minute.

**FAUCET.** A fixture commonly known as a faucet but only when located at a kitchen or bathroom sink.

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**LOW WATER USE PLUMBING FIXTURE.**

Plumbing fixtures as follows: 1.6 gallons or less per flush toilets, 1.0 gallon or less per flush urinals, 2.5 gallons or less per minute shower heads, 2.5 gallons or less per minute faucets and/or aerators.

**PLUMBING FIXTURE.** A faucet, showerhead, urinal or toilet.

**RETROFIT.** Means to replace any existing plumbing fixture with a low water use plumbing fixture. (Ord. 2-2009)

**§ 6-1-7-3 DUTY OF CITY TO RETROFIT.**

All plumbing fixtures in all city owned property over which the city has control shall be low water use plumbing fixtures no later than December 31, 2014. The City Council may, by Resolution, extend this deadline to complete the installation of low water use fixtures. (Ord. 2-2009)

**§ 6-1-7-4 RETROFIT EXEMPTIONS.**

The following conditions and circumstances shall exempt property from the provisions of this part:

(A) Where a low water use plumbing fixture would be installed in an existing building that has been identified by a local, state, or federal government entity as an historical site, and an historically accurate water-conserving plumbing fixture is not available.

(B) Where installation of a low water use plumbing fixture would require modifications to plumbing system components located beneath a finished wall, floor or other surface.

(C) Where the unique configurations of a building drainage system or portions of a public sewer, or both, require a greater quantity of water to flush the system in a manner consistent with public health.

(D) Where the existing building will be demolished or rehabilitated within 90 days of the purchase of such existing building. (Ord. 2-2009)