1 **BERNALILLO COUNTY** 2 **BOARD OF COUNTY COMMISSIONERS** 2007-4 3 ORDINANCE NO. 4 5 AN ORDINANCE ENACTING A NEW CHAPTER OF THE BERNALILLO 6 COUNTY CODE ESTABLISHING WATER CONSERVATION 7 REQUIREMENTS IN BERNALILLO COUNTY 8 9 **Section 1. PURPOSE AND INTENT** 10 11 To implement portions of the Bernalillo County Water Conservation Plan in order 12 to: reduce per capita water use; encourage responsible use of water; reduce water waste; 13 require conservation measures for new development and preserve water supplies within 14 Bernalillo County for the health safety and welfare of County residents. It is the intent of 15 Bernalillo County to follow the specifications of this ordinance when designing, building, operating, and maintaining its own facilities. 16 17 18 **Section 2. APPLICABILITY** 19 20 This ordinance applies to all persons, entities, and properties within 21 unincorporated Bernalillo County. Where a conflict exists between any of the regulations 22 or limitations prescribed in this ordinance and any other regulations applicable to the 23 same area, the more stringent limitation or requirement shall govern and prevail. 24 25 Section 3. PENALTY FOR VIOLATION OF ORDINANCE 26 27 Violations of this ordinance are punishable as provided in section 1-6 of this 28 Bernalillo County Code. 29 30 **Section 4. ENFORCEMENT** 31 32 (A) The County Manager or his/her designee shall be responsible for the 33 enforcement of this ordinance. The County Manager may prescribe policies, rules, or 34 regulations to carry out the intent and purposes of this ordinance. 35 36 (B) Water Customers of the Albuquerque Bernalillo County Water Utility 37 Authority (ABCWUA) shall not be subject to enforcement of the same violation by both 38 Bernalillo County and the (ABCWUA). 39 40 **Section 5. ADMINISTRATION** 41 42 The Bernalillo County Manager is responsible for the administration of this 43 ordinance. Powers assigned to the County Manager may be delegated by the County 44 Manager to other appropriate County divisions and departments as deemed necessary to

carry out the requirements of this ordinance. The County Manager or his/her designee is

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1 hereby authorized and directed to enforce all of the provisions of this ordinance. The 2 County Manager or his/her designee shall have the power to render interpretations of this 3 ordinance and to adopt and enforce rules and supplemental regulations to clarify the 4 application of its provisions. Such interpretations, rules and regulations shall be in 5 conformity with the intent and purpose of this ordinance. The County Manager or his/her 6 designee shall establish administrative procedures to carry out the intent and purpose of 7 this ordinance. 8 9 **Section 6. DEFINITIONS** 10 11 For the purpose of this ordinance, the following definitions shall apply unless the 12 context clearly indicates or requires a different meaning. 13 14 ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY. 15 (ABCWUA) The Albuquerque Bernalillo County Water Utility Authority or its 16 authorized agent. It includes the water and wastewater facilities and all operations and 17 management of such facilities necessary to provide water and wastewater service. 18 19 ATHLETIC FIELD. Turf area which is used to hold athletic events or practices. Parks 20 that have substantial areas used for athletic events or practices will be considered Athletic 21 Fields. 22 23 BUBBLERS. Irrigation heads which deliver water directly to the soil adjacent to the 24 heads. 25 26 DRIP IRRIGATION. Low pressure, low volume irrigation applied slowly, near or at 27 ground level to minimize runoff and loss to evaporation. 28 29 DROUGHT. An extended period of low precipitation in an area which occurs in sufficient length or magnitude to cause water shortages and/or crop damage. 30 31 32 DROUGHT STATUS. Level of drought as defined by the New Mexico Drought 33 Monitoring Committee. Four drought levels include; Drought Advisory, Drought Watch, 34 Drought Warning, and Drought Emergency. 35 36 (1) Drought Advisory 37 (2) Drought Watch 38 (3) Drought Warning 39 (4) Drought Emergency 40 41 ENERGY STAR. A United States government-backed program that provides an energy 42 performance rating system for household appliances. Appliances with the Energy 43 Star label attached have met energy efficiency guidelines set by the United States

Environmental Protection Agency and the United States Department of Energy.

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1 FUGITIVE WATER. The flow or release of any water from any activity or process onto 2 adjacent property or the public right-of-way. Fugitive water does not include runoff from 3 natural precipitation. 4 5 GRAYWATER. Wastewater from bathroom sinks, bathtubs, showers, and laundry 6 which is not used to wash diapers or other similarly soiled or infectious garments. 7 8 HAND WATERING. The application of water for irrigation purposes through a hand-9 held hose, including hoses moved into position by hand and left to flow freely or through 10 a shut-off nozzle. 11 12 HIGH EFFICIENCY TOILET. A toilet fixture that flushes a maximum volume of 1.3 13 gallons (4.9 Liters) per flush or less and meets minimum performance standards from a 14 list approved by Bernalillo County. High Efficiency Toilets may include dual-flush 15 toilets. Dual Flush toilets must not exceed 1.1 gallons (4.2 Liters) per flush for liquids 16 and 1.6 gallons (6.0 Liters) per flush for solids. 17 18 HIGH-WATER-USE PLANTS. Plants that are classified as high-water-use on a list 19 approved by Bernalillo County. 20 21 HIGH-WATER-USE TURF. Turfgrass that is classified as high-water-use on a list 22 approved by Bernalillo County. 23 24 INFILTRATION RATE. The amount of water absorbed by the soil per unit of time, 25 usually expressed in inches per hour. 26 27 LANDSCAPE AREA. The entire parcel minus any undisturbed un-irrigated natural 28 areas, building footprints, driveways, non-irrigated portions of parking lots, decks, patios 29 or other non-porous areas. 30 31 LOW IMPACT DEVELOPMENT. A planning and design approach to development that 32 emphasizes the integration of site design and planning techniques that conserve natural 33 systems and hydrologic functions with a goal of maintaining the natural hydrologic 34 characteristics of developing watersheds. Many of the approaches involve individual site 35 design for stormwater management to prevent runoff where it can be used to supplement 36 landscape irrigation requirements, improve water quality and recharge groundwater 37 supplies. 38

39

LOW-WATER-USE PLANTS. Plants that are classified as low-water-use on a list 40 approved by Bernalillo County.

41

42 MEDIUM-WATER-USE PLANTS. Plants that are classified as medium-water-use on a 43 list approved by Bernalillo County.

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1 NEW DEVELOPMENT. Any subdivision application or building permit issued for new 2 construction. New Development does not include additions to existing single family 3 residential buildings. A stand-alone structure with water and waste water service is 4 considered New Development. 5 6 NEWLY SEEDED. Seed planted in a prepared area with the intent of establishing a turf 7 area. 8 9 PARK. An area of land set aside for public use including permanently maintained 10 cemeteries. 11 12 PUBLIC RIGHT-OF-WAY. The area of land acquired or obtained by the city, county, or state primarily for the use of the public for the movement of people, goods, vehicles, or 13 14 storm water. For the purposes of this ordinance the public right-of-way shall include 15 sidewalks, curbs, streets, and storm water drainage inlets. 16 17 RESTRICTED PLANTS. Plants that are classified as restricted on a list approved by 18 Bernalillo County. 19 20 RESPONSIBLE PARTY. The owner, tenant, manager, supervisor, or person in charge of 21 the property, facility, or operation during the period of time the violation(s) is observed. 22 23 RUNOFF. Precipitation, snowmelt, or irrigation water that is not absorbed by the soil and 24 moves across ground surfaces. 25 26 SPRAY IRRIGATION. The application of water to landscaping by means of a device 27 that projects water through the air in the form of small particles or droplets. 28 29 WATER UTILITY AUTHORITY CUSTOMER. Any person, association, corporation or 30 other entity receiving Albuquerque Bernalillo County Water Utility Authority water 31 service. 32 33 WATER WASTE. The nonbeneficial use of water. Nonbeneficial uses include but are not 34 restricted to: 35 36 (1) Landscape irrigation water applied in such a manner, rate and/or quantity that 37 it causes runoff onto adjacent property or public right-of-way; 38 (2) Landscape irrigation water which leaves a sprinkler, sprinkler system, or other 39 application device in such a manner or direction as to spray onto adjacent 40 property or public right-of-way; 41 (3) Water provided through the Middle Rio Grande Conservancy District or 42 community acequia systems for irrigation purposes applied in such a manner, rate 43 and/or quantity that it overflows the area being watered and runs onto adjacent 44 property or public right-of-way.

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Section 7. OUTDOOR WATERING RESTRICTIONS

The restrictions in this section apply to all properties within unincorporated Bernalillo County not provided water service by the ABCWUA.

(A) All spray irrigation during the period beginning on April 1 and ending on October 31 of each year must occur between 7:00 p.m. and 11:00 a.m. This restriction shall not apply to drip irrigation and low precipitation bubblers, hand watering, or watering of containerized plants and plant stock.

(B) During periods when the New Mexico Drought Monitoring Committee determines the drought status as either a drought watch, drought warning or drought emergency the Board of County Commissioners, may impose additional increasingly stringent mandatory watering restrictions such as, but not limited to;

1. Restrictions on planting new sod or turfgrass seed.

2. Restrictions on vehicle washing at residences.3. Restrictions on the use of ornamental fountains.

4. Further restrictions on outdoor watering to as little as once a week.

Or

Additional restrictions as defined in a Drought Management Plan adopted by the Bernalillo County Commission.

(C) Restrictions in divisions (A) and (B) above do not apply to the following:

1. Irrigation necessary for one day only where treatment with an application of chemicals requires immediate watering to preserve an existing landscape or to establish a new landscape;

2. Water used to control dust or compact soil;

 3. Attended watering systems that have one or more repair or maintenance personnel present at the irrigated zone being serviced for purposes of inspecting system condition and function and/or repairing or maintaining the watering system;

4. Water provided through the Middle Rio Grande Conservancy District or community acequia systems for irrigation purposes.

(D) Guidelines for Parks, Athletic Fields and Golf Courses. .

1. Parks and golf courses shall use medium and low water use plants as much as possible. High water use turf or other restricted plants shall be allowed only in those areas with heavy usage or foot traffic, such as athletic fields, playgrounds, and golf course tees, greens, and fairways.

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1	2. All parks in the unincorporated area of Bernalillo County should use less than		
2 3	35 inches of water per acre of landscape area per year. Parks must report well an		
	other supplied water usage to the County on an annual basis. Usage will be		
4	calculated on a per individual park basis and shall include all water supplies		
5	except reclaimed wastewater or other non-potable water sources.		
6			
7	3. Athletic fields and golf courses in the unincorporated area of Bernalillo County		
8	should use less than 45 inches of water per acre of landscape area per year		
9	Usage will be calculated on a per individual athletic field basis and shall include		
10	all water supplies except reclaimed wastewater or other non-potable water		
11	sources.		
12			
13	4. All Parks, Golf Courses, and Athletic Fields shall use effective water		
14	conservation measures and best management practices that are feasible and		
15	reasonable for given local conditions, such as but not limited to:		
16	. Even strong minetion on soil mediature imigation control		
17 18	a. Evapotranspiration or soil moisture irrigation control,		
19	•		
20	c. Leak detection and repair systems or programs,d. Irrigation system efficiency improvements.		
21	d. Irrigation system efficiency improvements.		
22	Section 8. WATER WASTE		
23	Section 6. WATER WASTE		
24	The restrictions in this section apply to all properties within unincorporated Bernalillo		
25	County. Operators of public or private utilities shall not be responsible for violations of		
26	this section incurred by their customers.		
27	und de viole interior de la viole de vi		
28	(A) No person, entities or properties shall cause or permit water waste.		
29			
30	(B) The restrictions in paragraph (A) of this section do not apply to the following:		
31			
32	1. Storm runoff allowed under provisions of the City of Albuquerque or Bernalillo		
33	County drainage ordinances as currently adopted or subsequently amended;		
34	2. Flow resulting from temporary water supply system failures or malfunctions.		
35	These failures or malfunctions shall be repaired within 48 hours of notification or		
36	the system shut off until repair can be completed;		
37	3. Flow resulting from temporary irrigation ditch failures or malfunctions. These		
38	failures or malfunctions shall be repaired immediately and the irrigation ditch shur		
39	off until repair can be completed;		
40	4. Flow resulting from firefighting or routine inspection of fire hydrants or from		
41	fire training activities;		
42	5. Water applied as a dust control measure;		
43	6. Water applied to abate spills of flammable or otherwise hazardous materials,		
44	where water is the appropriate methodology;		

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1 2	7. Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;		
3	· · · · · · · · · · · · · · · · · · ·		
	8. Flow resulting from routine inspection, operation, or maintenance of a utility		
4	water supply system;		
5	9. Flow resulting from well testing, sampling, or monitoring conducted as part of		
6	a hydrologic study or well test;		
7	10. Water used in the course of installation or maintenance of traffic flow control		
8	devices;		
9	11. Water used for construction or maintenance activities where the application of		
10	water is the appropriate methodology and where no other practical alternative		
11	exists.		
12	G . I A DEGLESS AND GONGEDVICENON DEGLES ATTOMIC FOR NEW		
13			
14	DEVELOPMENT		
15			
16	This section applies to all new development.		
17			
18	(A) Single Family Residential Requirements.		
19			
20	1. Building permit applications for all single family dwellings shall include a		
21	completed Water Conservation Measures Form certifying that:		
22			
23	a. An approved cistern roof catchment system is incorporated into the		
24	design and construction of the new dwelling. The cistern system shall be		
25	installed in accordance with all applicable state and local regulations.		
26			
27	Or		
28			
29	b. At least one of the three alternative approaches listed below shall be		
30	incorporated into the design and construction of the new dwelling.		
31	Alternative No. 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,		
32	Alternative Number 1 . Install an approved on-demand hot water system such as		
33	but not limited to:		
34			
35	i. On demand hot water heaters in close proximity of hot water points-of-use.		
36			
37	ii. Plumbing system design features that minimize pipe distance between hot		
38	water source and hot water points-of-use.		
39			
40	iii. Hot water re-circulating system with a pump, a timer, and/or a thermostat.		
41	Copper water lines, if used in the system, shall be insulated in accordance		
42	with the New Mexico Energy Conservation Code.		
43			
44	Alternative Number 2 . Install any combination of two of the following items:		
45			

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1	i. An Energy Star rated dishwasher.		
2 3	ii. An Energy Star rated clothes washing machine.		
4	— — — —		
5	iii. High efficiency toilets in all bathrooms.		
6	Alternative Number 2 Install about the state and for a superior and		
7 8	Alternative Number 3. Install plumbing stub-out for a graywater system to collect gray water from a minimum of one bathroom and one washing machine		
9	accordance with all applicable local and state regulations.		
10	decordance with an applicable rocal and state regulations.		
11	2. After January 1, 2010, building permit applications for all single family		
12	dwellings shall include a completed Water Conservation Measures Form		
13	certifying that:		
14			
15	a. An approved cistern system is incorporated into the design and		
16	construction of the new dwelling. The cistern system shall be installed in		
17	accordance with all applicable local and state regulations.		
18			
19	Or		
20	h. At least two of the three alternative approaches listed below shall be		
21	b. At least two of the three alternative approaches listed below shall be incorporated into the design and construction of the new dwelling.		
22	incorporated into the design and construction of the new dwelling.		
21 22 23 24	Alternative Number 1. Install an approved on-demand hot water system such as		
25	but not limited to:		
26			
26 27 28	i. On demand hot water heaters in close proximity of hot water points-of-		
28	use.		
29			
30	ii. Plumbing system design features that minimize pipe distance between		
31	hot water source and hot water points-of-use.		
32			
33	iii. Hot water re-circulating systems.		
34	Altamative Number 2 Install any combination of two of the following items		
35 36	Alternative Number 2 . Install any combination of two of the following items:		
37	i. An Energy Star rated dishwasher.		
38	1. 7th Energy Star rated dishwasher.		
39	iii. An Energy Star rated clothes washing machine.		
40			
41	iii. High efficiency toilets in all bathrooms.		
42	•		
43	Alternative Number 3. Install plumbing stub-out for a graywater system to		
14	collect gray water from a minimum of one bathroom and one washing machine i		
45	accordance with all applicable local and state regulations.		

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1	
2	3. Building permits will not be issued until the Water Conservation Form is
3	approved.
4	
5	4. A County-approved copy of the Water Conservation Measures Form
6	shall be posted at the water heater by the time of the building final inspection.
7	
8	5. Ornamental ponds shall not exceed 500 square feet of surface area.
9	Ornamental fountains shall not exceed 250 square feet of surface area. Multiple
10	water features on the same property will be considered together to determine
11	surface area. Flowing water used in fountains, waterfalls and similar features
12	shall be re-circulated. Ponds and fountains shall be designed to be consistent with
13	the requirements of all applicable local and state regulations.
14	
15	(B) New Development Other Than Single Family.
16	
17	1. All new development other than single family dwellings in Bernalillo County
18	shall install High Efficiency Toilets in all bathrooms.
19	6
20	2. All new development other than single family dwellings with a building
21	footprint of 10,000 square feet or greater in shall use one of the following
22	alternatives to supply or supplement landscape irrigation.
23	micrian (es to supply of supplement immuseupe imagination)
24	Alternative 1. Install a gray water system in accordance with all applicable state
25	and local regulations to meet a minimum 50% of the landscape water
26	requirements.
27	
28	Alternative 2. Use rainwater harvesting and/or low-impact development
29	techniques such as but not limited to:
30	toominques such as out not immed to.
31	i. Curb cuts or other methods to direct runoff from roadways, parking lots
32	or other impermeable surfaces to landscaped areas;
33	of other impermedate surfaces to landscaped areas,
34	ii. Approved cistern systems to collect rainwater from rooftops to be used
35	on landscapes.
36	on fundscapes.
37	3. All new residential development including mobile home parks with two or
38	more units shall have sub-metering for water service to all housing units.
39	more units shall have sub-inetering for water service to all nousing units.
40	4. Ornamental ponds shall not exceed 500 square feet of surface area.
41	Ornamental fountains shall not exceed 250 square feet of surface area. Multiple
42	water features on the same property will be considered together to determine
43	surface area. Flowing water used in fountains, waterfalls and similar features
43	shall be re-circulated. Ponds and fountains shall be designed to be consistent with
45	<u> </u>
43	the requirements of all applicable local and state regulations.

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1			
2 3	(C) Planting Restrictions.		
3 4	1. All properties other than parks, golf courses and athletic fields except for those		
5	zoned A-1 Agricultural with access to water provided through the Middle Rio		
6	Grande Conservancy District or community acequia systems for irrigation		
7	purposes shall not be designed and constructed to use high water use turf or other		
8	restricted plants on more than 20% of the landscape area.		
9			
10	2. Single family residential properties except for those zoned A-1 Agricultural		
11	with access to water provided through the Middle Rio Grande Conservancy		
12	District or community acequia systems for irrigation purposes shall not be		
13	designed and constructed to use high water use turf or other restricted plants on		
14	more than 20% of the landscape area, except;		
15			
16	a. In the event that 20% of the landscape area is greater than 3,000 square		
17	feet, high water use turf and other restricted plants shall not be used on		
18	more than 3,000 square feet of the landscape area;		
19	b. In the event that 20% of the landscape area is less than 300 square feet,		
20 21	high water use turf and other restricted plants may be used on up to 300 square feet of the landscape area.		
	•		
22	3. Street medians shall not be designed and constructed with plants that require		
23	spray irrigation.		
24			
25	(D) Irrigation Systems.		
26			
27	1. All irrigation systems shall be designed and installed to meet all minimum		
28 29	standards established by the current editions of uniform plumbing code and		
30	uniform mechanical code. All irrigation systems should use currently accepted water conservation design principals to maximize efficiency of the irrigation		
31	system.		
	•		
32	2. Spray irrigation systems shall not designed and constructed for use on slopes		
33	greater than four feet of horizontal distance per one foot vertical change (4:1).		
34	3. Spray irrigation systems shall not be designed and constructed to apply water to		
35	any area within eight feet of a street curb or storm sewer inlet. These areas may		
36	be irrigated by drip, bubbler, soaker or sub-surface irrigation systems.		
37	4. Spray irrigation systems shall not be designed and constructed using sprinkler		
38	heads that are closer than eight inches to impermeable surfaces.		
50	neads that are croser than eight menes to impermeable surfaces.		
39	5. Spray irrigation systems shall not be designed and constructed to be used in		
40	areas less than ten feet in any dimension excepting within back or side yards of		
41	residential properties, or where such an area is contiguous with adjacent property		
42	so that the dimension totals ten feet minimum. Spray irrigation systems shall not		

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1 2 3	be designed and constructed to be used on any area less than 15 feet in any dimension within parking lots. These areas may be irrigated by drip, bubbler, soaker or sub-surface irrigation systems.
4 5	(E) Parks, Athletic Fields Golf Courses, And Large Landscapes.
6 7 8 9 10 11 12	1. All new non-County owned parks, athletic fields, golf courses, and all new development which have a planned landscape area over 20,000 square feet shall use graywater, non-potable water, and/or rainwater harvesting to supply and or supplement all landscapes over 20,000 square feet by using one or combination of the following;
13 14 15 16 17	a. Graywater systems installed in accordance with all applicable local and state regulations.b. Non-Potable water shall be used where available. Availability is determined by an agreement to serve from a non-potable provider and ability to connect within 1000 ft.
18 19 20	c. Rainwater harvesting and/or low-impact development techniques such as but not limited to:
21 22 23 24	 Curb cuts or other methods to direct runoff from roadways, parking lots or other impermeable surface to landscaped areas. Approved cistern systems to collect rainwater from rooftops to be used on landscapes.
25 26 27 28 29 30	2. All new non-County owned parks, athletic fields, golf courses and all new development which have a planned landscape area over 20,000 square feet shall evaluate the potential for using harvested water and, when practical, incorporated into landscape design. Such design shall be consistent with the requirements of all applicable local and state regulations.
31 32 33 34 35	(F) Not withstanding other code provisions, when dealing with subdivisions, the County shall defer to the Albuquerque Bernalillo County Water Utility Authority regarding water use and water availability.
36 37	Section 10. EXEMPTIONS
38 39 40	(A) An application for an exemption shall be filed with the County Manager or his/her designee on a form and accompanied by such data and information as may be prescribed.
41 42	(B) The request for exemption shall contain the following information:
43 44 45	(1) Specific exemption, or exemptions requested;(2) Duration of time for requested exemption;

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- (3) Address of location where exemption is requested;
 - (4) Proposed location on premises of the exemption is requested;
 - (5) Previous temporary exemptions;
 - (6) Physical size and dimensions of area where exemption is requested;
 - (7) Other data and information to support the need for the exemption request

(C) Exemptions to Section 7 (Outdoor Watering Restrictions) and Section 9 (Design and Construction Regulation for New Development (A) Planting Restrictions) may be issued for agricultural purposes for properties with wells and associated water rights permitted for agricultural irrigation by the office of the State Engineer of New Mexico until such agricultural use ceases.

(D) Exemptions to Section 7 (Outdoor Watering Restrictions) may be issued for a period not to exceed 60 days to establish a Newly Seeded turf area on Properly Prepared Ground which has been cultivated and prepared to sow turfgrass seed to establish a new turf area.

(E) Exemptions to Section 7 (Outdoor Watering Restrictions) may be issued for a period not to exceed 30 days to establish newly sodded turf and/or landscape.

(F) Exemptions to Section 7 (Outdoor Watering Restriction) may be issued for a period not to exceed 45 days to establish inter-seeded areas within an established turf area.

(G) An exemption for alternate methods for compliance with the specific requirements or the technical specifications of this ordinance may be approved if the applicant: 1) shows that compliance with requirements would pose an unreasonable burden; 2) proposes alternative methods that would provide equivalent or greater water conservation than those required in this ordinance.

In order to be considered, the exemption application shall describe the specific requirement(s) for which an alternate requirement is requested, justify the request by explaining the site specific circumstances that make compliance with the requirements unreasonably burdensome, and propose specific alternate solutions with verifiable documentation that the alternate solution will provide equivalent or greater water conservation than those required in this ordinance.

Section 11. APPEALS

(A) Appeal of Section 15 (Exemptions), A responsible party may appeal exemption application decisions to the Zoning Administrator by filing an appeal within 15 days of receiving a exemption decision. The exemption decision shall provide information on the right to appeal and the procedures to follow.

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- (B) The appeal shall identify the property and state the grounds of appeal together with all material facts in support thereof. When a hearing is requested, the Zoning Administrator shall send written notice by certified mail, return receipt requested, to the appellant of the time and place of the hearing.
- (C) At the hearing the appellant shall have the right to present evidence as to the alleged facts upon which the Zoning Administrator based the determination of the exemption denial and any other facts which may aid the Zoning Administrator in determining whether an exemption should be granted.
- (D) The Zoning Administrator, within seven working days following the hearing, issue a written decision specifying the results of the appeal.
- (E) If an appeal is received within the 15 business day time limit, the Zoning Administrator shall hold a hearing within 15 business days after receipt of the request. The County shall, in writing, notify the person who requested the hearing of the date, time, and place of the hearing. The County shall, in writing, notify all persons who were sent notice of the exemption decision of the date, time and place of the hearing. In the hearing, the burden of proof shall be upon the person who requested the appeal.
 - (F) Hearings shall be held at the offices of the County or at another public facility.
- (G) The hearings shall be conducted so that all relevant views, arguments and testimony are fairly presented without undue repetition. The Zoning Administrator shall allow the County, the applicant and the person who requested the hearing to call and examine witnesses, to submit written and oral evidence and arguments, to introduce exhibits, and to cross-examine persons who testify. The rules of civil procedure and the rules of evidence shall not apply.
- (H) Based upon the evidence presented at the hearing, the Zoning Administrator shall affirm, modify, or reverse the exemption application decision. The Zoning Administrator decision shall be in writing, and a copy of the decision shall be sent to the applicant and the person who requested the hearing.

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DONE this day of	, 2007.
APPROVED AS TO FORM	BOARD OF COUNTY COMMISSIONERS
County Legal	Alan B. Armijo, Chair
	E. Tim Cummins, Vice Chair
	Teresa L. Córdova PhD, Member
ATTEST:	Deanna Archuleta, Member
Maggie Toulouse, County Clerk	Michael Brasher, Member
, ,	,