

ORDINANCE NO. 614

AN ORDINANCE OF THE CITY OF LOVINGTON, NEW MEXICO PROVIDING FOR THE CREATION OF CHAPTER 13.05 UNDER TITLE 13 IN THE LOVINGTON CITY CODE TO ESTABLISH AND ENFORCE A WATER CONSERVATION AND WASTE PREVENTION ORDINANCE

WHEREAS, water in New Mexico is a publicly-owned resource, and may be diverted only for the beneficial use in furtherance of human health, safety, productivity and environment; and

WHEREAS, the City Commission is the trustee of the City's water supply in accordance with the laws and regulations of the State of New Mexico; and

WHEREAS, efficient use of water will increase long-term supply and reduce water treatment and infrastructure costs to the community; and

WHEREAS, runoff of water onto public roads creates a hazard and nuisance as well as having an adverse effect on the lifetime of said roads; and

WHEREAS, New Mexico Statute Chapter 72-14-3.2 details how entities such as the New Mexico Finance Authority and New Mexico Water Trust Board shall not accept municipal applications for financial assistance in matters relating to water and wastewater infrastructure unless the municipality has an established water conservation plan; and

WHEREAS, it is the recommendation of John Shomaker & Associates, Inc. within their "40-Year Water Development Plan" for the City of Lovington to implement a Water Conservation Plan to help guide long-range water capital improvements; and

WHEREAS, the Shomaker study also states that, "the majority of water customers who responded to the customer survey conducted as part of the City's 40-Year Water Development Plan indicated that they would consider supporting elements of a water conservation ordinance."

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY, THE CITY COMMISSION, OF LOVINGTON, NEW MEXICO, that;

The City of Lovington City Code Chapter 13.05 is hereby created to read as follows:

Chapter 13.05.10 - THE FOLLOWING WATER RULES AND RESTRICTIONS SHALL APPLY DURING THE STATED PERIOD TO ALL CUSTOMERS WITHIN THE CITY SERVICE AREA:

13.05.20 No person shall cause or permit the waste of city water.

- 13.05.30 For the purposes of this Ordinance, "city water" is any water that is treated and distributed by the City of Lovington, and includes water that has passed through a customer's water meter. "City water" does not include precipitation that is collected, or water pumped from a private well.
- 13.05.40 All spray irrigation including by sprinkler or hose every day during the period beginning May 1st and ending on September 30th of each calendar year is **prohibited between the hours of 9 AM and 6 PM**. Watering by sprinkler or hose at times **outside** the hours of between 9 AM and 6 PM **may occur**:
- A. On Wednesday, Friday and Sunday at odd-numbered residences,
 - B. On Tuesday, Thursday and Saturday at even-numbered residences.
 - C. In the case of corner buildings having both odd and even address numbers, or any other ambiguity, the address listed on the customer's account with the City's utility billing department shall control.
 - D. **There will be no watering on Mondays.**
- 13.05.50 The conditions set forth above apply to yards, grass, trees, plants, and impervious surfaces such as decks, sidewalks and driveways.
- 13.05.60 For the purposes of this Ordinance, the wasting of city water includes:
- A. Permitting city water unnecessarily and excessively to flow onto any highway, street, gutter or alley.
 - B. The washing of vehicles with city water by the use of a free-flowing water that is not equipped with a positive shut-off nozzle. Fund-raising car washes are permitted, but the requirement of a shut-off nozzle applies to such activities. Commercial mechanical and automated car washes are permitted.
 - C. Using any lawn sprinkler or landscape irrigation system in such a way that city water is regularly permitted to flow, runoff or spray onto any public highway, street, gutter or alley.
 - D. Permitting any substantial plumbing leak to exist for more than 10 days after discovery of such.
- 13.05.70 In the development of new residential or commercial property, the City of Lovington strongly encourages the use of low-water-use landscaping and efficient irrigation systems. In deliberating on applications for land development, the city may take into consideration whether the landowner will install low-water-use landscaping and efficient irrigation systems, particularly in sloped areas, narrow strips of land or common areas.
- 13.05.80 Restaurants and food service facilities shall provide drinking water to customers only upon request.
- 13.05.90 In the event that conditions exist that adversely affect the availability of water due to climatic conditions, plant breakdown, capacity of the treatment plant, water

main break, low water supply or otherwise, the Mayor or City Manager may declare a water emergency and establish further restrictions or prohibitions for any water application or usage. If such action is taken, the action shall be placed upon the agenda of the City Commission not later than the next regularly scheduled meeting of the City Commission for approval, amendment or disapproval.

13.05.100 The City Commission may from time to time adopt and revise policies and plans with regard to water conservation, water restrictions and water waste in addition to the regulations set forth in this chapter and other City ordinances, policies and resolutions.

13.05.110 Penalties:

A. Each account holder is responsible for the control and use of the water received on their side of the meter from the city. Each and every transgression of this article shall result in a penalty assessment which is enforceable by the Utilities Department, the Code Enforcement Department, and the Police Department.

B. For the first transgression within any 30-day period: \$25.00

C. For the second transgression within a 30-day period: \$75.00

D. For the third transgression within a 30-day period: \$100.00

E. For each additional transgression within a 30-day period: \$150.00

F. Each day the violation occurs will be considered a separate transgression (offense).

13.05.120 Appeal – Injunctive relief. Within seven (7) days of receipt of any notice of special assessment (penalty), an appeal may be filed with the City Manager, and a hearing be scheduled within ten (10) days. The burden of proof will be on the City to substantiate the allegations of violation of water restrictions. The decision of the City Manager will be final.

PASSED, ADOPTED, SIGNED AND APPROVED THE 23RD OF FEBRUARY, 2026.



City of Lovington, New Mexico

Howard Roberts, Mayor

ATTEST:

Shannon Lester, City Clerk