

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2026-6

INTRODUCED BY:

Councilor Amanda Chavez

Councilor Alma Castro

AN ORDINANCE

AMENDING SECTION 25-4.1, EXHIBIT A, RULE NUMBER 2 TO ADOPT NEW DEFINITIONS AND ADOPTING A NEW RULE NUMBER 7, IMPOSING REQUIREMENTS FOR BACKFLOW PREVENTION AND CONTROL FOR CERTAIN CUSTOMERS, IMPOSING FEES FOR ADMINISTERING THE PROGRAM, AND IMPOSING FINES FOR VIOLATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Rule No. 2 of Exhibit A of Section 25-4.1 SFCC 1987 (being Ord. 2005-2, § 2) is amended to read:

2. DEFINITIONS AND EXPLANATIONS

The following definitions are applicable wherever these terms are used in these Rules and Regulations:

- A. **BACKFLOW** – Reversal of water flow from a customer’s service connection into the municipal water system with potentially undesirable consequences.
- B. **CERTIFIED BACKFLOW PREVENTION ASSEMBLY TESTER** – A person the water

1 utility approves to test backflow prevention assemblies within the municipal water system. Testers
2 shall be equipped with and be competent to use all necessary tools and gauges required to properly
3 conduct testing of backflow prevention assemblies.

4 C. CERTIFIED AND LICENSED BACKFLOW ASSEMBLY REPAIR TECHNICIAN – A
5 person who is a certified backflow prevention assembly tester and licensed at a minimum as a
6 journeyman plumber in accordance with the New Mexico Construction Industries Licensing Act,
7 NMSA 1978, Sections 60-13-1 through 60-13-59.

8 D. CHRONICALLY DELINQUENT - The status of a customer who during the prior twelve
9 (12) months has been disconnected by the water utility for non-payment, or who during the prior
10 twelve (12) months has not paid a bill by the date that a subsequent bill is rendered on three (3) or
11 more occasions.

12 E. COMMERCIAL SERVICE OR USE - The provision of or use of water for all types of
13 establishments not otherwise classified as residential.

14 F. CROSS-CONNECTION - Any physical connection or arrangement between two (2)
15 otherwise separate piping systems, one of which contains potable water and the other of unknown
16 or questionable safety, whereby water may flow from one system to the other, the direction of the
17 flow depending on the pressure differential between the two (2) systems.

18 G. CUSTOMER - Any person, firm, association, partnership or corporation, or any agency of
19 the federal, state, or local government, being supplied with, and/or responsible for payment for,
20 water services by the [City] water utility.

21 H. DELINQUENT - The status of a bill rendered to a customer for utility service which
22 remains unpaid 15 calendar days following the "due" date on the customer's utility bill.

23 I. DISCONTINUANCE OF SERVICE - An intentional cessation of service by the water
24 utility which was not requested by a customer.

25 J. ESTIMATED BILL - A bill for utility service which is not based on an actual reading of

1 the customer's meter, or other measuring device, for the period billed.

2 K. GOVERNING BODY - The Mayor and City Council of the city of Santa Fe as defined in
3 subsection 2-1.1 SFCC 1987.

4 L. POINT OF DELIVERY - The point of delivery shall be the point where the facilities of
5 the water utility connect to the facilities furnished by the customer.

6 M. PRESSURE - The range of fifty (50) to one hundred twenty-five (125) pounds per square
7 inch which can ordinarily be made available in the area contiguous to existing lines

8 N. PRESSURE REGULATING DEVICE - A device that maintains a constant water pressure
9 at its immediate downstream side which is less than the inlet pressure to the device, unless the
10 pressure on the inlet side is lower than the pressure setting for the downstream side.

11 O. Reserved.

12 P. RATE SCHEDULE - A description of the charges, conditions of services and other similar
13 information associated with the provision of water service to a given class or type of customer.

14 Q. RECONNECTION CHARGE - A charge made by the water utility at the time application
15 is made for reconnection of water service at a place where water service has been previously
16 disconnected.

17 R. Reserved.

18 S. RESIDENTIAL SERVICE OR USE - The provision of or use of water for household or
19 domestic purposes, and as further described in Rule 3, Exhibit A of Chapter XXV SFCC 1987.

20 T. SERVICE LINE - The pipe connection from a distribution water main to the water meter.

21 U. SPECIAL SERVICE - A service provided to a customer by the water utility which is not
22 subject to a rate schedule.

23 V. UTILITY CHARGES - The billing or charges for the provision of utility service and other
24 charges authorized by the governing body pursuant to approved rates.

25 W. WATER PRESSURE - The gauge pressure of water within a pipe measured in pounds per

1 square inch above atmospheric pressure and abbreviated herein as "pounds."

2 X. WATER SERVICE - The general term for furnishing the customer with water.

3 Y. WATER UTILITY - The water utility owned and operated by or on behalf of the city of Santa
4 Fe, New Mexico, also known as the Santa Fe Municipal Water System.

5 **Section 2. [NEW MATERIAL] A new Rule No. 7 of Exhibit A of Section 25-4.1,**
6 **SFCC 1987 (being Ord. 2011-13) is ordained to read:**

7 **7. BACKFLOW PREVENTION AND CONTROL.**

8 A. APPLICABILITY.

9 Compliance with this Ordinance, Backflow Prevention and Control, Rule No. 7, located in Exhibit
10 A of Section 25-4.1 SFCC 1987, is required for water service from the municipal water system.

11 B. BACKFLOW PREVENTION AND CONTROL.

- 12 1. The water utility follows the Uniform Plumbing Code (UPC) for standards
13 of backflow prevention and control.
- 14 2. To the extent the UPC is silent, the standards from University of Southern
15 California Manual of Cross Connection Control (USC Manual), 10th
16 Edition apply .

17 C. RESPONSIBILITY.

18 Customers, backflow prevention assembly testers, and backflow assembly repair technicians shall
19 comply with the requirements below:

- 20 1. *Customer.* Customers shall prevent entry of contaminants, pollutants, or
21 water from sources other than the municipal water system into the
22 municipal water system. Methods for prevention include, but are not
23 limited to, installing and maintaining backflow prevention assemblies.
24 Any customer using a fire hydrant for water use must have an air-gap or
25 approved backflow prevention assembly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

2. *Owners.* All owners of a water service connection serving a commercial use, a fire service, an irrigation system, a service larger than two inches, or the connection is a service where a secondary source of water (e.g., a well) is present are required to install a backflow prevention assembly to protect the municipal water supply. In addition, any domestic service two inches or smaller which in the judgement of the Public Utilities Department Director represents a health, a safety, or a functional hazard to the water system will also be required to install a backflow prevention assembly. Owners of a backflow prevention assembly shall obtain a field test on the assembly upon installation, repair, and at least once per year thereafter and report the test results to the water utility. The owner is responsible for the cost and scheduling of field testing of the backflow prevention assembly. The owner shall install, repair or replace the backflow prevention assembly at the owner's expense and as necessary to comply with requirements of this Ordinance. The UPC and USC manual govern the location, type, and testing requirements for the backflow prevention assembly.

3. *Certified Backflow Prevention Assembly Tester.* Certified backflow prevention assembly testers shall inspect and test backflow prevention assemblies for compliance with this ordinance. Testers shall complete and submit accurate and timely reports to the water utility and customer, including any cross-connections and deficiencies associated with an existing backflow prevention assembly within the customer's water system.

4. *Certified and Licensed Backflow Prevention Assembly Repair Technician.*

1 Certified backflow prevention assembly repair technicians shall, in
2 addition to all duties listed in subparagraph (C)(3) above, repair backflow
3 prevention assemblies consistent with this ordinance and without changing
4 the design, material, or operational characteristics of a backflow
5 prevention assembly without prior approval of the water utility.

6 D. FFES, CHARGES, AND FINES.

7 1. *Site Survey or Inspection Fee.* Customers requiring a site survey or
8 inspection of backflow-related infrastructure shall pay a fee of one
9 hundred dollars (\$100.00).

10 2. *Backflow Control Administrative Fee.* Customers whose service
11 connection(s) require(s) backflow control, as described in subparagraph
12 (C)(1) above, shall pay an annual administrative fee of fifty dollars
13 (\$50.00), which the water utility shall assess on its water bill for each
14 service connection requiring backflow control. The backflow
15 administrative charge will increase by ten dollars (\$10.00) each decade
16 starting in 2030.

17 3. *Ordinance Violation Fine.* Failure to comply with provisions and
18 requirements of this ordinance or willful removal or bypass of any
19 infrastructure required under this ordinance without prior approval of the
20 water utility is subject to the general penalty under Section 1-3, SFCC
21 1987 per violation. Each violation shall constitute a separate offense. A
22 customer contesting a violation may follow the procedures under Exhibit
23 A, Rule 22. Violations to this ordinance include but are not limited to:

24 a. Failure to test and submit results for each required backflow
25 prevention assembly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- b. Falsifying records required to be submitted by this ordinance.
- c. Removal, bypass, or shutoff of any required backflow prevention assembly.
- d. Failure to use an airgap or approved backflow prevention assembly at a fire hydrant.

- 4. *Payment.* All fees and charges shall be added to the water bill for the account associated with the point of delivery where the violation occurs.
- 5. *Responsibility of Payment, Liens and Deposit.* The customer shall pay the fees and charges included in this ordinance in accordance with Section 15-1.5, SFCC 1987.

E. GROUND FOR TERMINATION OF WATER SERVICE.

- 1. Notwithstanding any other provision of this Rule, in the event the Public Utilities Department Director determines that a system hazard exists due to a cross-connection, the water utility has the right to immediately terminate water service to the customer's premises. The water utility shall notify the customer of any water service termination to the premises and of the system hazard on the premises. The water utility shall not restore water service to the premises until the customer has controlled or eliminated the system hazard to the satisfaction of the Public Utilities Department Director.
- 2. In addition to the fees listed in subsection (D)(3) above, failure to install required infrastructure or abide by requirements as directed in the UPC or the Backflow Prevention and Control Program's policies and procedures, may, with Public Utilities Department Director approval, constitute grounds for termination of water service to the premises. Service shall not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

be restored until such conditions or defects are corrected. If water service is terminated for any of these reasons, a turn-off and turn-on water service fee will be assessed to the customer as per Rule No. 9 of Exhibit A, Chapter 25 SFCC 1987, as it may be amended.

3. The water utility may terminate water service for non-payment of the fees included in this ordinance in accordance with Rule No. 9 of Exhibit A, Chapter 25 SFCC 1987, as it may be amended.

F. SEVERABILITY CLAUSE.

If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The governing body declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

G. EFFECTIVE DATE.

This ordinance shall be effective 30 days after the ordinance’s adoption date.

PASSED, APPROVED, and ADOPTED this 11th day of March, 2026.


MICHAEL GARCIA, MAYOR

ATTEST:



GERALYN CARDENAS, INTERIM CITY CLERK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPROVED AS TO FORM:

Marcos Martinez

Marcos Martinez (Mar 12, 2026 16:33:09 MDT)

MARCOS D. MARTINEZ, INTERIM CITY ATTORNEY

Bill No. 2024-14 Legislation/2026/ Ordinance No. 2026-06/Bills/Backflow Prevention and Control Program