

Village of Tijeras

Water Ordinance

No. 162



AN ORDINANCE REPEALING WATER ORDINANCE NO. 138
AND ADOPTING WATER ORDINANCE NO. 162

WHEREAS, the Governing Body of the Village of Tijeras, New Mexico
previously adopted Water Ordinance No. 138; and

WHEREAS, the Governing Body wishes to make certain additions,
deletions, substitutions, and corrections to said Water Ordinance No. 138.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
VILLAGE OF TIJERAS AS FOLLOWS:

Section 1. The Governing Body of the Village of Tijeras hereby adopts its Water Ordinance No. 162 in the form following hereto which Ordinance is adopted and incorporated herein by reference, and which shall serve as the primary water ordinance.

Section 2. Water Ordinance No. 162 may be amended from time to time by Ordinance of the Governing Body.

Section 3. Ordinance No. 138 is hereby repealed.

ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE
VILLAGE OF TIJERAS, THIS 10 DAY OF August, 2015.

By Gloria J. Chávez
Gloria J. Chávez, Mayor

By Jake Bruton
Councilor Jake Bruton

By Felix Garcia
Councilor Felix Garcia

By Don Johnson
Councilor Don Johnson

By David A. Wilson
Councilor David Wilson

By Maxine Wilson
Councilor Maxine Wilson

ATTEST:
Shannon M. Fresquez
Shannon M. Fresquez Village Clerk/Treasurer

ORDINANCE NO. 162

**AN ORDINANCE ESTABLISHING THE VILLAGE OF TIJERAS
WATER SYSTEM AND THE OPERATIONAL PROCEDURES FOR THE
WATER SYSTEM.**

**BE IT ORDAINED BY THE GOVERNING BODY
OF
THE VILLAGE OF TIJERAS, NEW MEXICO**

94-74-1 SHORT TITLE

This title shall be known as the Water Service ORDINANCE.

94-74-2 WATER UTILITY

The Village of Tijeras water system is hereby declared to be for the health, safety and welfare of the residents of the Village of Tijeras.

94-74-3 APPLICABILITY

This ORDINANCE shall govern production, supply and use of water within the Village of Tijeras, New Mexico for domestic, commercial or industrial purposes.

94-74-4 DEFINITIONS

- A. "Applicant" shall mean any person who has applied to the Water Operator for a connection to the service.
- B. "Commercial Consumer" shall mean a service unit not qualifying as a residential consumer. Including: Any residence, apartment or multiple residential dwelling accommodating two (2) or more families; each having separate kitchen facilities where rental units are not separately metered; rooming house, hotel, camp, cabin camp, motel, motor court, trailer park, sports field, church, school or any other institution or place where professional services are offered or any commercial enterprise or business activity is conducted.
- C. "Consumer" shall mean any person who is receiving the service.

- D.** “Governing Body” shall mean the Council of the Village of Tijeras, New Mexico.
- E.** “Lot” means a parcel of land, the legal description of which is duly recorded with the County Clerk.
- F.** “Minimum Connection Fee” means the applicable connection fee pursuant to 94-74-10C of this Ordinance.
- “New Lot” means a parcel of land approved by the Village of Tijeras pursuant to its subdivision Ordinance and duly recorded with the County Clerk.
- G.** “Occupied” shall mean actual use and possession of a structure and/or area for the purpose for which it is designed.
- H.** “Penalties” shall mean penalties as provided by Section 94-74-23 hereunder.
- I.** “Person” shall mean individuals, partnerships, corporations, associations, societies, clubs and any other entities and shall be construed to include both the masculine and feminine gender.
- J.** “Private Well” shall mean any water well in existence before water service becomes available or in the future which is used solely for irrigation or agricultural purposes.
- K.** “Regulations” shall mean regulations proposed by the Water Operator and the Governing Body.
- L.** “Residential Consumer” shall mean a single family residence or dwelling place, including an individual apartment or each unit of a multiple residential dwelling, where service is utilized only for domestic purposes and each unit is separately metered.
- M.** “Service Unit” shall mean each location requiring service that is under separate ownership, occupancy or lease including each owner, tenant or occupant utilizing a portion of a single building or location.
- N.** “Service” shall mean the sale or supply of water by the Village of Tijeras to property owners or consumers.

- O. "Statement" shall mean statement of account or bill prepared by the Village of Tijeras that itemizes the monthly water usage and amount owed based on the current rate schedule.
- P. "System" shall mean the municipal water system owned and operated by the Village of Tijeras, New Mexico.
- Q. "Undeveloped Lot" means a vacant lot or a lot containing unpermitted structures.
- R. "V.O.T." shall mean the Village of Tijeras, New Mexico.

94-74-5 WATER OPERATOR

The Mayor shall designate a Water Department Water Operator. It shall be the duty of the Water Operator to supervise and manage the system, operations, construction, maintenance, repair and replacement. The Water Operator shall be responsible for all connections to the System. The Water Operator shall perform such duties in connection with the operation of the System as the Governing Body may prescribe. The Water Operator shall propose for approval such regulations that may be reasonable and necessary to implement this ***ORDINANCE***.

94-74-6 MANAGEMENT, RULES, REGULATIONS AND SPECIFICATIONS

The V.O.T. shall adopt and enforce rules and regulations for the safe, efficient and economical management of the System. Any construction and connection to the water system shall be in compliance with applicable statutes, ordinances, regulations and codes. Be sure to call 811 for all line spotting before you dig.

94-74-7 CONNECTION PERMIT REQUIRED

All service connections shall be made only by the V.O.T. and only upon receipt of a written application signed by the owner or the owner's agent accompanied by payment of all required fees. Connection without payment is a criminal offense

subject to prosecution and imposition of all penalties as provided in Section 94-74-22 and 94-74-23.

94-74-8 METERING

Each consumer shall have a separate meter. Please contact the Village Clerk regarding fee.

94-74-9 WATER SERVICE CONNECTIONS DURING NEW CONSTRUCTION OF PROPOSED LINES

- A. Service location requests within seventy five (75) feet of the proposed water distribution lines will be issued a connection permit upon proper application in accordance with Section 94-74-14B and payment of meter installation fee.
- B. *No connection fee will be charged for residential locations for 6months as water hook up becomes available.*
- C. *Water connection fees are stated in Section 94-74-10.*
- D. The location of connection will be determined by the Water Operator for locations greater than seventy five (75) from the proposed lines, the provisions of Section 94-74-17 will apply.
- E. Consumers will be responsible for installing their own service line from their property line to the service units, including a cut off on their property, prior to the V.O.T. installing the meter and water connection.
- F. The commercial water connection fee includes a service line from the tap in the distribution line to the property line of the consumer meter box, meter and miscellaneous fittings and valves to install the meter in the meter box. The connection fee is subject to price increases as meter, meter box, service line, miscellaneous fittings and construction costs increase and are adjusted by the Governing Body.
- G. All new lots created after water service is available will be served from the Water System. No new or undeveloped lots will be allowed to install private wells to provide for domestic water requirements. The provisions of this

paragraph do not prevent existing developed lots from continuing use of private wells. All new/undeveloped lots will be required to pay a water connection fee.

94-74-10 WATER SERVICE CONNECTIONS – EXISTING LINES

- A.** Service location requests within seventy five (75) feet of the existing water distribution lines will be issued a connection permit upon proper application and payment of all fees. The location of connections will be determined by the Water Operator. For locations greater than seventy five (75) feet from the existing lines, see Section 94-74-17. See A & D in 94-74-9.
- B.** Consumers will be responsible for installing their own service line from their property line to the service units including a cut off on their property, prior to the V.O.T. installing the meter and water connection. See E in 94-79-9.
- C.** The V.O.T. shall install all meter connections for a residential consumer or commercial consumer at the following rates after a payment of the below minimum fee:

Meter Size	Residential	Commercial
¾"	\$1,250.00***	\$1,850.00***
1"	\$1,750.00***	\$2,250.00***
1 ½"	N/A	\$2,650.00***
2"	N/A	\$3,050.00***
2"+	N/A	\$3,050.00 plus \$600.00 for each ½" increase in meter size***

***** PLUS ANY MISCELLANEOUS CONSTRUCTION CONTINGENCY
COST THAT ARE OVER AND BEYOND THE MINIMUM
CONNECTION FEE*****

- D.** Any residential consumer may have service installed by paying the connection fee with the following installment schedule; **\$500.00** down and **\$20.00** per month plus 10% interest per annum on unpaid balances. Monthly charges will be due and payable with monthly water statement. Commercial consumers will be required to pay in full prior to installation of service.
- E.** The water connection fee includes a service line from tap in the distribution line to the property line of the consumer meter box and meter and miscellaneous fittings and valves to install the meter in the meter box. The connection fee is subject to price increases as meter, meter box, service line, miscellaneous fittings and construction costs increase and are adjusted by the Governing Body. *See F in 94-74-9.*
- F.** All new lots created after water service is available will be served from the Water System. No new or undeveloped lots will be allowed to install private wells to provide for domestic water requirements. The provisions of this paragraph do not prevent existing lots from continuing use of private wells. *See G in 94-74-9.*

94-74-11 TRANSFER OF DOMESTIC RIGHT TO USE WATER

- A.** The landowner shall assign the domestic right to use water to the V.O.T. as per the Change Point of Diversion Agreement with the V.O.T.
- B.** Commercial consumers shall assign rights to use water to the V.O.T. in an amount equaling the projected yearly demand. The consumer shall submit documentation for review and approval by the V.O.T. that establishes the projected yearly demand. If these rights cannot be diverted, the commercial consumer will be required to purchase the necessary water rights. The commercial consumer may elect to have the V.O.T. purchase the rights, and reimburse the V.O.T. current market rates plus V.O.T. expenses.

94-74-12 MONTHLY WATER RATES

- A.** Water service shall be furnished and billed to residential and commercial

consumers according to meter size. Effective July 1, 2010 and each year thereafter an automatic 3% annual water service rate increase across all meter sizes will occur. Additional increases may be enacted by the Governing Body by resolution. For current rates please contact the V.O.T. Clerk.

- B.** Water service under this monthly rate schedule is available within the corporate limits of the V . O . T .
- C.** Service under this schedule is applicable to individually metered service units for all water users.
- D.** For service provided outside of the Village limits, the water service rates shall be two (2) times the defined rates except as specifically determined by the Governing Body on a case by case basis.

94-74-13 WATER RATES FOR CONSTRUCTION PROJECTS WITHIN THE V.O.T.

- A.** For construction projects within the V.O.T., contractors seeking to utilize V.O.T. water from hydrants will be issued a meter with a deposit fee. Contact the V.O.T. Clerk for current deposit, non-refundable fee and usage rates.
- B.** The V.O.T. has the right to control water use and restrict the excessive use of water.
- C.** The V.O.T does not engage in bulk water user/hauler sales.

94-74-14 BILLING AND CONNECTION CHARGES

- A.** The V.O.T. shall establish a system by which the water meter of each consumer shall be read monthly. Monthly water statements shall be furnished to each consumer, based upon the rates established in this ORDINANCE. Water statements shall be due and payable not later than twenty (20) days after the date of the mailing. The Finance Manager shall establish a proper system of accounts for receipts from water charges and expenditures of the System and shall furnish a monthly report to the Governing Body of the receipts and expenditures of the water system.

- B.** The V.O.T. will notify potential consumers thirty (30) calendar days before the time when water service is expected to be available. Potential consumers shall have thirty (30) calendar days after notification to apply for water service and payment of the fees provided for in Section 94-74-9 of this ORDINANCE. If such application is not received within thirty (30) days of the notification, the water fees as identified in Section 94-74-10 of this ORDINANCE will have to be paid with the application. The monthly billing cycle will begin with the next cycle as identified in 94-74-14A.
- C.** Once the water system is installed, those residents that have signed up will need to contact the Village Clerk regarding meter fee. Residents will be notified that they have six (6) months to have their residence connected to the system at no charge. Residents shall coordinate with the V.O.T. in order to facilitate a timely installation of their water meter. If a consumer has requested connection to the system but fails to do so within six (6) months of notification of system availability, the water meter fee will be refunded and their agreement to be connected will be cancelled. Applicants to connect subsequent to the cancellation of the original agreement will be required to pay a minimum connection fee plus actual cost of connection materials and labor.
- D.** In addition to all other fees set forth in this Ordinance, a new account setup and water turn on fee of **\$100.00** must be paid by new homeowners who have purchased homes after water service is available to the residence.

94-74-15 DELINQUENCIES AND DISCONNECTIONS

- A.** A late payment charge of 10% of the monthly water charge shall be imposed for failure to pay the monthly water charges by the date due, i.e., within twenty (20) days after the date of mailing the monthly statement.
- B.** Water service will be disconnected if any charge under this Ordinance remains unpaid thirty (30) days after the date due.

- C. In order to discontinue service, notice ten (10) days prior to the stated cut-off date will be mailed return receipt requested or posted on the consumers residence/business, along with the name and telephone number of Village Clerk, who shall hear any appeal of the proposed cut off and in writing determine whether or not to extend the cut-off date or continue service with conditions and provide the written decision to the consumer.
- D. When water service has been disconnected for delinquent charges, water service shall not be restored to the delinquent consumer until all arrears in charges have been paid, together with the applicable reconnection fee

94-74-16 TEMPORARY TERMINATION OF SERVICE

In the event any consumer desires to temporarily terminate the water service, written notice to that effect must be filed by the consumer with the Village Clerk on or before the 15th day of the month or the minimum charge will be made for the entire following billing month. If a consumer desires to temporarily terminate water service, the consumer can either pay a standby monthly fee or avoid the monthly standby fee by having the meter removed when providing a written request. There will be an additional fee to have the meter reinstalled.

94-74-17 EXTENSIONS OF MAIN LINES FOR NEW CONSTRUCTION

- A. Service requests at a distance greater than seventy five (75) feet from an existing distribution line will require extension of the distribution mains. The extension of the distribution main(s) and associated facilities shall be in accordance with the V.O.T.'s line extension regulations and will be at the cost of the consumer including all required ,materials, engineering fees, etc. Extension shall comply with the following provisions:
- B. Size of service mains shall be as required to service the consumers; and the V.O.T., at its option, may require an engineering analysis of the System to

verify such line sizes. Design standards of the American Water Works Association shall be followed.

- C. Stamped engineering plans of the proposed mainline extension layouts shall be submitted to the V.O.T. for approval before any construction is started. The drawings shall show the location and size of all mains and service lines, the location and size of all appurtenances including valves, fire hydrants and meters. All new construction shall comply with V.O.T. specifications. Spacing of fire hydrants shall be no more than five hundred (500) feet apart.
- D. If not planned within the public right of way or within limits of a V.O.T. utility easement the applicant shall obtain all rights of way and utility easements. The V.O.T. may require the applicant to obtain a certification of right of way or easement by a registered land surveyor.
- E. Acceptance by the V.O.T. of the main line is subject to the V.O.T. Engineer certifying it to be in conformance with the applicable American Water Works Association standards and specifications and the Engineer may require such tests and other evidence he deems necessary to ensure compliance with standards and specifications. All construction shall be done by a licensed underground utility contractor.
- F. Upon completion and acceptance by the V.O.T. all of the water main and appurtenances shall become the property of the V.O.T. and the dedication of the facility to the V.O.T. shall explicitly convey to the V.O.T. the perpetual right to access, use, own, operate, construct and reconstruct the facilities therein.

94-74-18 FINAL AUTHORITY

The Water Operator shall be the final authority to determine the size and location of all water facilities used in connection with the System, and in particular shall have the final authority to determine the sizes of water and main lines and water meters which are to be utilized for making connection to the system. A separate connection and water meter shall be required for each

consumer within the Water System. All fixtures and facilities connected to the System shall be installed in compliance with all applicable statutes, ordinances and regulations.

94-74-19 INSPECTION OF HOOK UP

- A. All connections to the System shall be inspected by the V.O.T. to insure proper installation and connection and that there is no piping arrangement or connection by which an unsafe substance may enter the Water System. This includes an unauthorized connection to a water distribution line as referenced in Section 94-74-22B.
- B. The piping system on the consumer's premises shall be inspected and approved by the appropriate governmental agency before the water service will be connected. Cross connections are strictly prohibited. Cross connections and/or any back flow possibilities revealed by any inspection shall be eliminated before water service is provided to a new consumer or continues to on existing consumer.

94-74-20 EMERGENCY SHUT OFF

The V.O.T. shall have the right at any time, without notice to shut off water in the System for the purpose of necessary repairs to protect the public health and safety. In that event, the V.O.T. shall not be liable for any damages occasioned by the interruption of water service.

94-74-21 DAMAGES TO SYSTEM

It shall be unlawful for any person to do anything to affect the System in any way, including but not limited to removing, damaging any part of the System and or contaminating the System, removing, obstructing or damaging any fire hydrant, valve box or cover. It shall be unlawful for any person to excavate within ten (10) feet of any part of the System without first obtaining a permit from the V.O.T.

94-74-22 TERMINATION FOR MISCONDUCT

The V.O.T. may disconnect or discontinue water service for any of the following activities:

1. Tampering with the water meter or connection so as to prevent proper registering of amounts of water actually consumed.
2. Unauthorized connection to a water distribution line (including private well as referenced in *Section 94-74-19*).
3. Failure to permit the Water Operator or his agent reasonable access to the meter or connection.
4. Use of service or operation of equipment so as to interfere with the quality, safety or continuity of service furnished by V.O.T. to others.
5. Waste of water through improper or faulty piping, equipment or otherwise shall be handled as follows:
 - A letter of 30 day notice will be mailed in 7 days of billing sent return receipt and or posted on the residence or business notifying the consumer of heavy water use and requesting a follow- up with the water operator to investigate the possible water loss in 30days.
 - The V.O.T water operator will attempt to contact the consumer to determine the water loss problem. If it is found to be a piping or equipment problem the V.O. T will proceed as follows:
 - If no action or communication comes from the consumer/owner in 30days the V.O.T will mail a notice to "shut off in ten business days" return receipt and or post on residence or business.
 - Shut off can be avoided by making arrangements with the Village Clerk or Water Operator to correct the problem.

6. Violation of any section of this Ordinance.

94-74-23 PENALTY

- A. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined a sum not to exceed **\$500.00** per day or imprisoned not to exceed ninety (90) days or both. In addition to such penalties, the V.O.T. Attorney shall have the authority to apply to the District Court for the purpose of obtaining an order restraining any person from violating any of the provisions of this Ordinance.
- B. Any person caught stealing or attempting to steal water from V.O.T. hydrants or water lines shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined a sum of **\$500.00** and each day of violation shall be considered separate and the person found guilty shall pay a **\$500.00** fine for each day of violation. In addition to such penalties, the V.O.T. Attorney shall have the authority to apply to the District Court for the purpose of obtaining an order restraining any person from stealing water from V.O.T. hydrants or lines.
- C. Upon conviction the offender shall be billed for any V.O.T. attorney fees incurred during legal process.

94-74-24 ADDITIONAL REMEDY

Pursuant to Section 3-23-6, NMSA 1978, any charge by this Ordinance shall be payable either by the owner or occupant of the premises to which service is furnished. In addition to any other remedy which may be authorized by this Ordinance, the V.O.T. shall have a lien upon the tract of land being serviced by the System for delinquent charges. The lien shall be imposed and enforced in the manner provided in Sections 3-36-1 through 3-36-7, NMSA 1978
Compilation.

94-74-25 SEVERABILITY

If any section, subsection, paragraph, phrase or other portion of this Ordinance shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, then such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance.