

# Village of Tijeras

## Water Ordinance

### No. 200



AN ORDINANCE REPEALING WATER ORDINANCE NO. 162  
AND ADOPTING WATER ORDINANCE NO. 200

WHEREAS, the Governing Body of the Village of Tijeras, New Mexico previously adopted Water Ordinance No. 162; and

WHEREAS, the Governing Body wishes to make certain additions, deletions, substitutions and corrections to said Water Ordinance No. 162

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 adopt its Water Ordinance No. 200 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. 200 may be amended from time to time by Ordinance of the Governing Body.

Section 3. Ordinance No. 162 is hereby repealed.

ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE VILLAGE OF TIJERAS, THIS 7 DAY OF December, 2020

By   
Jake Bruton Mayor

By   
Councilor Yvette Garcia

By   
Councilor Felix Garcia

By   
Councilor Don Johnson

By   
Councilor Maxine Wilson

ATTEST:


  
Hallie Brown, Clerk



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**ORDINANCE NO. 200**

**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**

**Section 1. SHORT TITLE**

This title shall be known as the Water Service Ordinance.

**Section 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.

**Section 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.

**Section 4. DEFINITIONS**

- A. "Applicant" shall mean any person who has applied to the Village of Tijeras 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" mean 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
- G. "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
- H. "Occupied" shall mean actual use and possession of a structure/and/or area for the purpose for which it is designed.
- I. "Penalties" shall mean penalties as provided by Section 94-74-23 hereunder

- J. "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
- K. "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
- L. "Regulations" shall mean regulations proposed by the **Village** and the Governing Body
- M. "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
- N. "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
- O. "Service" shall mean the sale or supply of water by the Village of Tijeras to property owners or consumers
- P. "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
- Q. "System" shall mean the municipal water system owned and operated by the Village of Tijeras, New Mexico
- R. "Undeveloped Lot" shall mean a vacant lot or a lot containing unpermitted structures
- S. "V.O.T." shall mean the Village of Tijeras, New Mexico

#### **Section 5. WATER OPERATOR**

The Mayor shall designate a Water Department Water Operators. It shall be the duty of the Water Operators 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.

#### **Section 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 follow compliance with applicable statutes, ordinances, regulations and codes. Before digging 811 must be called for line spotting.

#### **Section 7. CONNECTION PERMIT REQUIRED**

All service connections shall be made on by the V.O.T. and only upon receipt of an 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.

#### **Section 8. METERING**

Each consumer shall have a separate meter. Please refer to fee schedule.

## **Section. 9 WATER SERVICE CONNECTIONS DURING NEW CONSTRUCTION OF PROPOSED LINES**

- A.** The V.O.T. will notify potential consumers thirty (30) days before the time when water service is expected to be available during new construction of lines. Potential consumers shall have thirty (30) calendar days after notification to apply for water service and payment of the fees provided for in the fee schedule. If such application is not received within thirty (30) days of the notification, the water fees as identified in the fee schedule will have to be paid with the application.
- B.** Once the water system is installed, those residents that have signed up will need to contact the Village Clerk regarding the meter fee. Residents will be notified that they have six (6) months to have their residence connected to the system at a reduced charge. Residents shall coordinate with the V.O.T., to facilitate a timely installation of their water meter.
- C.** Service location requests within seventy-five (75) feet of the proposed water distribution lines will be issued a connection permit upon proper application with Section 94-74-14B and payment of meter installation fee.
- D.** The location of connection will be determined by the Water Operator for locations greater than seventy-five (75) **feet** 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 and residential 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 cost increase and are adjusted by the Governing Body by resolution of the fee schedule.
- 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 all associated fees.

## **Section 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 94-74-9 A&D.

- B.** Consumers will be responsible for installing their own service line from the property line to the service unit including a cut off on their property, prior to the V.O.T. installing the meter and water connection. See 94-79-9E.
- C.** The V.O.T. shall install all meter connections for a residential consumer or commercial consumer in accordance with the fee schedule.
- D.** 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 cost increase and are adjusted by the Governing Body.
- E.** 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. See 94-74-9G.

### **Section 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.

### **Section 12. WATER RATES FOR CONSTRUCTION PROJECTS WITHIN 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.
- D.** Construction projects will be charged commercial water rates.

### **Section 13. BILLING AND CONNECTION CHARGES**

- A.** Water service shall be furnished and billed to residential and commercial consumers to meter size.
- B.** Water service rates and all associated fees shall be determined by the Governing Body through a resolution.
- C.** Effective July 1, 2010 and each year thereafter an automatic 3% annual water service rate increase across all meter sizes will occur.

- D. Additional increases may be enacted by the Governing Body by resolution. For current rates, please refer to the fee schedule.
- H. Water service under this monthly rate schedule is available within the corporate limits of the V.O.T.
- I. Service under this fee schedule is applicable to individually metered service units for all water users.
- J. For service provided outside of the Village limits, the water service rates shall be two (2) times the defined rates except as specifically approved by resolution by the Governing Body on a case by case basis.
- K. 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 current rates established in the Ordinance. Water statements shall be due and payable not later than the 20<sup>th</sup> day of each month. If the 20<sup>th</sup> is not a business day, the bill shall be due the next business day.
- L. The Finance Director 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.
- M. In addition to all other fees set forth in this Ordinance, a new account setup and water turn on fee must be paid by new homeowners who have purchased homes after water service is available to the residence, except in the case of account inheritance due to death. Please refer to fee schedule.

**Section 14. WATER CONSERVATION**

On an annual basis, the property owner may apply for a water conservation incentive. This water conservation incentive is available to property owners who provide the Village with proof of purchase of water conservation approved products. Products which qualify for the water conservation incentive are low flow toilets, shower head water restrictors, gray water systems, etc. An exhaustive list will be created by the Governing Body through a resolution. Property owners are encouraged to verify with the Village that a product is part of the incentive program prior to purchase, as no incentive will be assessed for any nonqualifying products. Incentives shall be assessed at 10 percent of the purchase value, up to a maximum of \$50.00 annually

**Section 15. DELINQUENCIES AND DISCONNECTIONS**

- A. A late payment charge of 10% of the current monthly water charge shall be imposed for failure to pay the current monthly water usage charge by the date due, i.e., within twenty (20) days after the date of mailing the monthly statement.
- B. Water service can 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 paid return receipt requested or posted on the consumers residence/business, along with the name and telephone number of the 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.
- E. When creating a new account for a specific property that is under the same ownership as when water service was established, if an outstanding balance is found, that outstanding balance must be paid in full before establishing the new utility account for that specific property.

## **Section 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 15<sup>th</sup> day of the month. The account will be placed on standby with a monthly minimum usage fee charged based on current rates. Meters will not be removed for temporary terminations of service.

## **Section 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 mains(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:
  - 1. 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.
- B. 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.
- C. 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.
- D. 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.

- E. 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.

### **Section 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.. All fixtures and facilities connected to the System shall be installed in compliance with all applicable statues, ordinance and regulations.

### **Section 19. INSPECTION OF HOOK-UP**

- A. All connections to the System shall be inspected by the V.O.T. to ensure 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.

### **Section 20. EMERGENCY SHUT OFF**

The V.O.T. shall the right at any time, without notice, to shut off water in the System, for 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.

### **Section 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 contamination 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.

## **Section 22. WASTE OF WATER**

The Village of Tijeras promotes the conservation of water to minimize draining existing supplies and to reduce the cost of treating both fresh and wastewater. No water delivered to any customer shall be unnecessarily wasted. All water outlets should be kept closed except when in use. Water service shall be subject to disconnection due to unnecessary waste of water.

## **Section 23. TERMINATION FOR MISCONDUCT**

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

1. Tampering with the V.O.T. water meter or connection.
2. Unauthorized connection to a water distribution line (including private will 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 of faulty piping, equipment, persistent leak or otherwise shall be handled as follows:
  - A. If no action or communication comes from the consumer/owner in 30 days, the V.O.T. will mail a notice to “shut off in ten business days: return receipt and or post on residence or business.
  - B. Shut off can be avoided by making arrangements, with the **Village Clerk, to correct the problem.**
6. Violation of any section of this Ordinance.

## **Section 24. 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 as detailed in the fee schedule or imprisoned not 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 violation 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 misdemeanor and on conviction thereof shall be fined as detailed in the fee and the person found guilty shall pay as detailed in fee schedule. 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.

**Section 25. 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.

**Section 26. 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.