

## **SECTION 9-2**

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ORDINANCE REVISED 07/16/15

**9-2-1 SHORT TITLE.**

THIS TITLE SHALL BE KNOWN AS THE WATER SERVICE ORDINANCE.

**9-2-2 WATER UTILITY ESTABLISHED.**

The Village water system is hereby declared to be for the health, safety and welfare of the Village of Bosque Farms for the purposes of operation, management, accounting, billing and collection.

**9-2-3 APPLICABILITY.**

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

Private wells are permitted to be drilled and used for irrigation and agricultural purposes by water consumers supplied with municipal water.

**9-2-4 DEFINITIONS.**

A. “Applicant” shall mean any person who has applied to the Village Office for a connection to the service.

B. “Governing Body” shall mean the Governing Body of the Village of Bosque Farms, New Mexico.

C. “Commercial Consumer” shall mean a service unit not qualifying as a residential consumer including: any residence or apartment accommodating (2) or more families; each having separate kitchen facilities or available to transient or permanent public, rooming house, hotel cottage, camp, cabin camp, motel, motor court, trailer park, or sports field, church, school, and any other institution or place where professional services are offered or any commercial enterprise or business activity is conducted.

D. “Consumer” shall mean any person who is receiving the service.

E. “Multi-User master meter water consumer” shall mean any commercial consumer who supplies water in anyway, by sale, gift, or otherwise, to any consumer through one meter connection to the Village water system with specific approval by the Village Council.

F. “Occupied” shall mean actual use and possession of a structure and/or area for the purpose for which it is designed.

G. "Person" shall mean individuals, partnerships, corporation, associations, societies, clubs, and any other firm, and shall be construed to include both the masculine and feminine gender.

H. "Property Owner" shall mean person who legally owns the property as registered with Valencia County Assessors office.

I. "Rental Unit" shall mean a structure and/or an area within a structure used by a tenant for which a periodic payment is made.

J. "Residential Consumer" shall mean a single family residence or dwelling place, including an individual apartment or each unit of a duplex residential dwelling, where service is utilized only for domestic purposes.

K. "Service" shall mean the sale or supply of water by the Village to property owners or consumers.

L. "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.

M. "Stand-by Consumer" shall mean a service unit qualifying as a residential consumer, commercial consumer, or multi-user master water consumer who has paid for stand-by service in full but is not connected to the Village water system.

N. "System" shall mean the municipal water system owned and operated by the Village of Bosque Farms, New Mexico.

O. "Village" shall mean the Village of Bosque Farms, New Mexico.

P. "Private Well" shall mean any water well in existence before water service becomes available or in the future which is used for irrigation or agricultural purposes.

**9-2-5 UTILITIES DIRECTOR.**

The Mayor shall appoint a Utilities Director, which in addition to his/her other duties may be the Village Clerk, as Utilities Director, of the system. It shall be the duty of the Utilities Director to supervise and manage the system. The Utilities Director shall be charged with the enforcement of this article and with the construction, maintenance, repair, and replacement of the system. The Utilities Director shall be responsible for all connections to the system. The Utilities Director shall perform such other duties in connection with the operation of the system as the Governing Body may prescribe from time to time.

**9-2-6 MANAGEMENT, RULES, REGULATIONS AND SPECIFICATIONS.**

The Village of Bosque Farms shall make and enforce such rules and regulations, as it may deem necessary, for the safe, efficient, and economical management of the system. Any construction and hook-up to the Village water system shall be in compliance with the Village Planning & Zoning regulations, specifications, and the design handbook which is incorporated into and made a part of this ordinance. Effective March 1, 1997 mandatory connection to the system is required of all new construction.

**9-2-7 CONNECTION PERMIT REQUIRED.**

No owner, agent or occupant shall be allowed to connect any property building or installation to the system. All connections shall be made only by the Village and only upon receipt of a written application signed by the owner or agent and accompanied by payment of all required fees. Connection without payment is a criminal offense subject to prosecution and imposition of all penalties shown in Section 9-2-20 & 9-2-21.

**9-2-8 WATER SERVICE CONNECTIONS - EXISTING LINES/NEW CONSTRUCTION.**

Individuals desiring a single service within 75 feet of the existing water distribution lines will be issued a connection permit upon proper application and payment of a connection fee according to meter size.

Individuals will be responsible for installing their own service line from their property line to the service units including a shut off valve on their service line as close to the meter as possible prior to the Village installing the meter and water connection. **(Revised 7/16/15)**

When service is made available to existing real property the Village shall install all meter connections for a residential consumer, commercial consumer, and multi-user master consumer at the following rates after payment of said fee:

Size of Meter	Water connection fee
3/4"	\$1000.00
1"	\$1085.00
1 1/2"	\$1740.00
2"	\$2040.00

A customer who installs a master meter to serve more than one living unit or more than one commercial unit or combination of living unit and commercial unit shall pay an amount equal to the number of units multiplied by the tap fee.

Water Connection fee includes service line from tap in the distribution line to property line of the consumer up to 75 feet, meter box and meter, and miscellaneous fittings and valves to install meter in meter box. Connection fee is subject to price increases from

time to time as meter cost, meter box, service line, and miscellaneous fitting prices increase.

A stand-by consumer who request stand-by installation of service shall pay the hook-up fee in full prior to the termination of the construction phase. An additional \$200.00 administrative fee shall be assessed the stand-by consumer prior to connection to the municipal water system. The \$200.00 administrative fee and the \$25.00 meter deposit shall be paid in full prior to the water meter being installed.

An additional \$25.00 refundable deposit shall be paid the Village for the water meter. The deposit shall be held by the Village of Bosque Farms and shall be returned upon notice of water disconnection and full payment of consumer water bill.

**9-2-9 TRANSFER OF DOMESTIC RIGHT TO USE WATER.**

The property owner shall assign the necessary domestic right to use water to the Village as per the Change Point of Diversion Agreement with the Village of Bosque Farms. If domestic right to use water cannot be diverted, the property owner will be required to purchase the necessary water rights. The property owner may elect to have the Village of Bosque Farms purchase water rights for said individual at a rate established by the Village of Bosque Farms. The rate will be based upon user needs and requirements at a minimum charge of \$800.00 per ¼ acre foot. Charges will be based on water use estimate.

Village Water System is for domestic use only. All outside property use will require a private well.

**9-2-10 MONTHLY WATER SERVICE RATES.** Revised 07/01/14

Residential meter with a usage of less than 5,000 gallons per month will be a minimum charge of \$22.52 per month. (Rev. 07/15)

Water usage between 5,001 and 7,000 gallons will be an additional \$3.00 per thousand gallons.

Water usage of 7,001 gallons or more will be an additional \$4.00 per thousand gallons.

July 1 of each year, the minimum monthly charge contained in this chapter shall be adjusted automatically to reflect a 2% cost of living increase.

A. Availability. Water service under this monthly rate schedule is available within the corporate limits of the Village.

B. Applicability. Service under this schedule is applicable to individually metered service units for all normal water users.

C. If a leak in an outside line is evident and confirmed by the Utility Department, the Village will bill the consumer for the amount of water used by that consumer in the same period the previous year plus actual water production cost per gallon over that usage. If the consumer does not take timely steps to repair the leak by the following month, the consumer will be billed for all of the water consumption in that month and no discount for the leak in subsequent months will be considered.

D. When paying for monthly water service by use of a credit card or direct pay through a bank, the Village shall be paid the following administrative fee for each transaction:

Visa , Mastercard or Discover	\$1.25
Bank payment	\$ .30

If the customer is enrolled in the Autopay feature through Xpress Bill Pay, no administrative fee will be assessed. (approved 8/20/09)

**9-2-11 BILLING AND CONNECTION OF CHARGES.**

A. The Utilities Director shall establish a system by which the water meter of each consumer shall be read no less often than monthly. Monthly water statements shall be furnished to each consumer, based upon the rates established in this article. Water bills shall be due and payable not later than twenty days after the date of mailing. The Utilities Director shall establish a proper system of accounting 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. Once a water meter has been installed, residents shall have 7 days to hookup to the Village water system. The Village water billing cycle will begin 7 days after water service is available. If the 7th day falls after the first of the month, the resident will not be billed that month but the monthly billings will commence the following month to ensure the resident has a full 30 days usage of water.

C. If a consumer requests to be hooked up to the Village water service and fails to have water services connected within the 7 days allowed, the consumer shall be billed for the amount of the minimum allowable monthly water charge for water usage less than 5000 gallons.

D. Renters will be required to place a \$75.00 refundable deposit prior to change of billing name. The deposit shall be returned to the renter upon notice of water disconnection and full payment of consumer water bill.

**9-2-12 DELINQUENCIES AND DISCONNECTIONS.**

A. If any Consumer fails to pay the monthly water charges within twenty (20) days after the date of mailing of the monthly bill, a charge of ten percent (10%) of the monthly water billing shall be assessed to the unpaid, delinquent amount to cover the associated costs and charges in maintenance and administrative costs for the delinquent account.

**REVISED 3/20/03**

B. The Village may cause water service to be disconnected and may discontinue service to the service unit if any charge provided herein remains unpaid forty (40) days after the date of mailing the monthly bill. In order to discontinue service, a notice that water service will be cut off in ten (10) days will be mailed to the property within the time period specified hereinabove, along with the name and telephone number of the Clerk, who shall hear any appeal or complaint about the delinquent bill and decide whether or not service will be continued. Notification will be posted to the property in the event the disconnect notice is returned by the postal service.

C. When water/sewer service has been disconnected due to delinquent payment, water/sewer service shall not be restored to the property and/or consumer until all arrears in charges have been paid, together with a processing fee of fifty dollars (\$50.00). Once the charges have been paid, water/sewer service will be restored during regular business hours. In the event a consumer relocates within the Village of Bosque Farms leaving a delinquent water/sewer bill at his/her previous residence, water/sewer service at his/her new location will not be provided until the delinquent charges from service at his/her previous address have been paid.

**REVISED 7/16/15**

D. Tampering with or the removal of a lock on a meter that has been disconnected due to delinquent payment will result in a \$150.00 fine assessed to the water consumer.

**9-2-13 TERMINATION OF SERVICE.**

In the event any consumer desires to terminate the water service, notice to that effect must be filed by the consumer with the Village Clerk on or before the 19th day of the month, or the minimum charge will be made for the entire following billing month. If a consumer desires to temporarily terminate the water service, there will be a turn-off/turn-on fee of fifteen dollars (\$15.00) each.

**9-2-14 EXTENSIONS OF MAIN LINES FOR NEW CONSTRUCTION.**

Service requests at a distance greater than 75 feet from an existing distribution line will require extension of the distribution mains. The extension of the distribution main shall be the responsibility of the consumer or consumers. Extension shall comply with the following provisions:

A. Line standards. The maximum line diameter of the main shall be as required to serve the consumers; and the Village, at its option, may require an engineering analysis of the system to verify such line diameters. Main lines and other equipment shall conform to

the attached specifications shown in appendix A. Installation shall conform to the standard drawing shown on appendix B.

B. Approval of Plans. Drawings of the proposed mainline extension layouts shall be submitted to the Village 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 Village specifications. Spacing of fire hydrants shall be no more than 500 feet apart.

C. Right-of-way. No installation will be made that is not within the Village right-of-way or within the limits of a right-of-way permit which is held in the name of the Village. It shall be the responsibility of the customer or customers extending the main to obtain all rights-of-way and utility permits. The Village, at its option, may require the customer to obtain a right-of-way certification from a qualified attorney.

D. Approval of acceptance. In the event that the consumer installs the main line extension, the Village will inspect it for conformance to the standard drawings and specifications and may require such tests and other evidence it deems necessary to ensure compliance with said standard drawing specifications.

E. Ownership. Upon completion and acceptance by the Village of the water or sewer main and appurtenances, all material within the public right-of-way or a utility easement shall become the property of the Village.

**9-2-15 FINAL AUTHORITY.**

The Utilities Director shall have 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 any connection to the system. A separate connection and water meter shall be required for each consumer within the Village system. All fixtures and facilities connected to the system shall be installed in compliance with statutes and regulations imposed by the State of New Mexico.

**9-2-16 INSPECTION OF HOOKUP.**

All hookups to the system shall be inspected to insure proper installation and hookup and that there is no piping arrangement or connection by which an unsafe substance may enter the municipal system.

**9-2-17 EMERGENCY SHUTOFF TO REPAIR SYSTEM.**

The Utilities Director shall have the right at any time, without notice to shut off water in the system for the purpose of necessary repairs. In that event, the Village shall not be liable for any damages occasioned by the interruption of water service.

**9-2-18 INJURIES TO SYSTEM.**

It shall be unlawful for any person to maliciously, willfully or negligently remove, break, damage uncover, deface or tamper by any means, any structure, apparatus, equipment or any part of the system including the water meter, or to remove, obstruct or damage any fire hydrant or valve box. This includes any attempts at turning the water on or off at the water meter. Any damage to the system will result in the consumer being billed for repairs or replacement of parts that were damaged. It is also unlawful for any person to excavate any street, alley or sidewalk without first obtaining the permission of the Utilities Director and notification of New Mexico One Call. (Revised 7/16/15)

**9-2-19 TERMINATION FOR MISCONDUCT.**

The Village may cause the water service to be disconnected and discontinued for any damage to the system as stated in 9-2-18 or for any of the following activities by the consumer or property owner: (Revised 7/16/15)

- A. Tampering with the water meter or connection so as to prevent proper registering of amount of water actually consumed.
- B. Unauthorized connection to a water distribution line.
- C. Failure to permit the Utilities Director or his agent reasonable access to the meter or connection. Blocking access with a vehicle will result in the vehicle being towed at the owner's expense. Any person or persons who block, obstruct, interfere with and/or fail to remove any obstruction and/or prevent the Village to gain access to the water meter or connection will also be issued a criminal citation to appear before the Village of Bosque Farms Municipal Court. Any person found guilty for violating this section shall be subject to the misdemeanor fines and penalties of the Village of Bosque Farms Municipal Court as provided by law. (Revised 9/19/13)
- D. Use of service or operation of equipment so as to interfere with the quality, safety or continuity of service furnished by the utility to others.
- E. Willful waste of water through improper or faulty piping, equipment or other means.
- F. Willful violation of any section of this article.

**9-2-20 PENALTY.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not to exceed \$500.00 or imprisonment not to exceed ninety days. In addition to such penalties, the Village 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.

**9-2-21 ADDITIONAL REMEDY.**

Any charge by this Ordinance shall be payable either by the owner or by the occupant of the premises to which service is furnished. In addition to any other remedy which may be authorized by this Ordinance, the Village shall have a lien upon the tract of land being served by the system for delinquent charges. The lien shall be imposed and enforced in the manner provided in Sections 3-35-1 through 3-35-5, NMSA 1978 Compilation. Exceptions to this section are provided in Section 3-23-6C, NMSA 1978.

**9-2-22 SEVERABILITY.**

If any section, subsection, paragraph, or 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.

END OF ORDINANCE