



# Alamogordo City Commission

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## NOTICE OF MEETING

### Special Meeting Agenda

**June 26, 2014 – 6:30 pm**  
**Desert Lakes Golf Course, 19<sup>th</sup> Hole Restaurant**  
**2351 Hamilton Rd., Alamogordo, NM**

- Susie Galea** ..... Mayor
- Robert Rentschler**..... Mayor Pro-Tem, District 3
- Jason Baldwin**..... District 1
- Nadia Sikes** ..... District 2
- Jenny Turnbull** ..... District 4
- Al Hernandez**..... District 5
- Dr. George Straface** ..... District 6
  
- Jim Stahle** ..... City Manager
- Stephen Thies** ..... City Attorney
- Renee Cantin** ..... City Clerk

*In accordance with Section 10-15-1.D, NMSA 1978 (2010 Cumulative Supplement), this agenda has been posted on the bulletin board located in the east/west lobby of the City Hall and in the glass case located outside a the north entrance of the City Hall, distributed to the appropriate news media, and posted on the City website: <http://ci.alamogordo.nm.us> within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Alamogordo website: <http://ci.alamogordo.nm.us>*

*The Mayor and City Commission request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Commission Chambers to respond to or to conduct a phone conversation.*

*The Alamogordo Commission Chambers is wheelchair accessible. Other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk’s Office at 575-439-4205.*

### CALL TO ORDER & ROLL CALL

*Announce the presence of a Quorum.*

- 1. City Commission Relationship and Team Building.**
- 2. Water Conservation Ordinance.**
- 3. City Manager Tasks.**

### ADJOURNMENT

***Water  
Conservation  
Documents  
From  
City Website***

**Includes:**

- 1) Outdoor Watering Schedule**
- 2) Water Conservation Overview**
- 3) National Recognition for Conservation**
- 4) Innovative Conservation Measures**

> [City of Alamogordo](#) > [Water Conservation](#) > Outdoor Watering Schedule

# Outdoor Watering Schedule

**Effective May 6, 2011:**

**By Ordinance the normal watering schedule from May 1st through November 1st each year allows us to water as follows:**

- **Odd numbered addresses (street number ends in 1,3,5,7,9)  
may only water on: SUNDAYS, WEDNESDAYS, & FRIDAYS**
- **Even numbered addresses (street number ends in 0,2,4,6,8)  
may only water on: TUESDAYS, THURSDAYS & SATURDAYS**
- **All outdoor watering must take place BEFORE 9 am and AFTER 6pm  
(This conserves water by reducing evaporation)  
WATERING IS NOT PERMITTED ON MONDAYS. THANK YOU.**

**You will find a link to the entire Water Conservation Ordinance on the [City Clerk's page](#).**

This is the regular watering schedule as set forth in the City's Code of Ordinances, section 28-03-033. Tier rate billing is still in effect. You will be billed based on your consumption. Wasting water is prohibited.

Residents should be aware that the ordinance contains rationing provisions that become stricter if the City's water capacities approach dangerously low levels. Should water rationing become necessary, and other conservation methods become required, the City will inform residents through public announcements, mailings, or other means.

> [City of Alamogordo](#) > [Water Conservation](#) > Water Conservation Overview

# Water Conservation Overview

**City of Alamogordo**

**Water Conservation Program Overview**

**City of Alamogordo**

**1376 E. Ninth Street**

**Alamogordo New Mexico 88310**

November 2006, 3<sup>rd</sup> Edition

April 2005, 2<sup>nd</sup> Edition

revisions prepared by Patrick McCourt and Maureen K. Schmittle

Original prepared February 2003 by Patrick McCourt, City Manager

Maureen K. Schmittle, Grant Coordinator

And Susan Flores, Special Projects Manager

## Purpose of Report

This report describing the City of Alamogordo's Water Conservation Program was updated in April 2005, in response to the New Mexico Office of the State Engineer's review of our initial Overview, submitted March of 2003. The report was adopted by the City Commission as an official document, by Resolution 2006-13. This 3<sup>rd</sup> edition is presented as an update to the previous two, and as an exhibit to clarify water conservation actions through 2006. This report shall serve as a history of how we reduced City water usage and a plan for how to continue water conservation efforts. The report has the following sections, and includes an Appendix with supporting documents:

- 1) Statement of Opinions;
- 2) A Summary of the steps taken and the results achieved;
- 3) Discussion on per capita use as a measurement;
- 4) Measurement and Meter replacement program;
- 5) Repair and Replacement program;
- 6) Use of Rates;
- 7) Conservation and Rationing Ordinances and Approaches;
- 8) Reclaimed Water;
- 9) Public Outreach and Education; and
- 10) Conclusion.

## Statement of Opinions

1) The City of Alamogordo has taken aggressive action, which has been very effective, in using its available water resources to address the needs of the residents of the City. The program has addressed the various components of the water system and has not focused on any one area.

2) The per capita measurement tool, while not the only gauge, is probably the best gauge available to be used in measuring the progress of a municipality in moving toward efficient use of water. The City of Alamogordo factors per capita water usage figures by dividing the total amount of untreated water production, water diverted from all sources, by the estimated population. Therefore, our per capita figures include unaccounted-for water. We also monitor total average daily usage to measure progress and plan for the near future. To do this we look at total diversions measured per day, per month, and annually. Our average daily use has declined steadily, and reached a low measure of 4.43 million gallons per day (MGD) in 2005. This amount is down from as much as 7.73 MGD in 1992. Average daily use is figured by adding every month's total diversions and dividing that figure by 365. Residential-only per capita consumption for the last few years has averaged approximately 77.5% of the total water consumed based on Utility Billing Department records, *report in Appendix*.

3) The City has used accurate accounting of who is using the water and how much is used. The Water Billing Department reviews residential, non-residential, and City accounts frequently and reports to the City Manager to ensure fair cost distribution among users. The rate system is scrutinized generally for a 3 month period before annual changes are implemented. The City Manager and the Public Works Director monitor daily and monthly water reports, provided by our contracted water system operator Severn Trent Services, to look for significant discrepancies and to prepare when there is a threat of shortage. Daily usage and storage levels are published in each Alamogordo Daily News edition, along with a comparison of the same date one year prior, to make the public aware of our on-going situation. *See Appendix for yearly water production histories*.

4) The City has instituted an ongoing repair and replacement program that is designed to keep the delivery system in a good state of repair. This is essential to minimizing unnecessary losses from the system and to assure that the maximum amount of water is delivered to the users. In 2004 and early 2005, the Public Works Department and the Utility Billing Department took a close look at unaccounted-for water losses. The Departments tracked water use closely, taking into account breaks and fires. It was determined that faulty meters between the reservoirs and the treatment plant had been reading high for production, by as much as 12%. The conclusion was that real water loss was about 12-14% for 2004. These two Departments are currently developing an audit program. As part of our auditing process, all meters over 12 years old will be replaced.

5) The City uses a tier rate structure, reviewed yearly, to encourage every user to recognize the value of water and to encourage the prudent use of water by each user. *See Appendix for current rate structure and last year's rates*.

6) The City Commission has adopted a Conservation and Rationing Ordinance, which has been updated several times, to establish community values for appropriate uses of water and to allocate the available resources when they are in short supply. *See Appendix*.

7) The City has adopted a very extensive reclaimed water program to reuse available water and maintain a quality of life in the community beyond bare subsistence. Reclaimed water use is metered. The system can utilize up to 3 MGD in the summer. The City has spent over \$4 million constructing 16.2 miles of pipeline and two booster stations. Construction was completed in 2006 on a 1-million gallon storage tank. In 2004 we used about 499 million gallons of reclaimed water in the various parks and golf course. The same year we produced about 1,592.06 million gallons of treated water from the two water filter plants and various wells. These figures account for backwash water but no other losses.

8) The City has provided education and incentives to assist citizens in reducing usage of water while maintaining a reasonable lifestyle.

9) The City has used and continues to use a broad-based program that incorporates the user's freedom of choice, economics, and good stewardship of the water resource to provide a high quality water delivery system in Alamogordo. This program has achieved a very high level of success. Using the per capita measurement, the City has reduced its total use from 261.28 gallons per capita per day (gpcd) in 1992 to 113.07 gpcd in 2005 based on our population estimate. If using 2000 Census data, for a more conservative per capita figure, total consumption averaged 123.12 gpcd in 2005. This figure is far below the normal usage, it has been driven by supply side. Without the aggressive rationing steps taken by the community the City might have had inadequate water available for basic and emergency needs.

10) The City of Alamogordo has lined and covered the three raw water reservoirs as well as covered and lined the reclaimed water reservoirs (total of 5). The City spent in excess of \$1,970,000 on these projects. This has resulted in a savings of between 500 to 600 acre feet of water per year (approximately 327 million gallons per year) which would otherwise have been lost to evaporation. The City is the only New Mexico Municipality that I am aware of that has lined and covered its reservoirs.

11) Since our first Water Conservation Program Overview was submitted, the community has continued to improve its conservation habits. Based upon guidelines drafted by the State Engineer for the City of Alamogordo, an estimated goal for residential use of 124.73 gallons per person per day would be reasonable. Based upon the 79.22% residential consumption rate in 2003, established by Utility Billing records, the City reached a residential use of 99.397 gpcd in 2003. The City of Alamogordo has begun to see a plateau of our water use over the past few years. **While there is some room for improvement, further conservation will not be sufficient to provide for the future needs of the community. The City is continuing work to secure additional sources of water to provide for the current and future needs of the people of Alamogordo.**

## Summary

In the 1980s the City of Alamogordo experienced a dry period, following a very wet period. This dry period encouraged the City to review the existing water system and usage of water in the community. The City recognized that the surface water constituted a vast majority of the supply of water and that the collection system for that supply was in poor condition. This resulted in extensive losses of water through leaks in the collection system and inappropriately placed collection points. In addition to the collection system being antiquated and leaky, the water rates were being heavily subsidized. Attempts to increase rates by the City Commission had met with bitter political opposition, including threats of Commissioner recalls and regular referendums on any rate ordinances. The per capita water use rate in 1990 was 245.54 gallons per person per day. The Commission recognized the need to adopt an aggressive program to address the needs of the community. This program needed to address both short-term water needs and long-term water needs. The City recognized that the first step in any water program is to use the existing resources as efficiently as possible.

The City had always recognized the need for an accurate metering system for billing purposes, therefore water meters have been included on every use of potable water in the City's system, with the exception of fire hydrants, since the earliest days of the system. The City budgets a replacement program each year to replace aging meters. To the best of our knowledge, every water use except fire hydrants is metered and each meter is read on a monthly basis. There is one potable water hauler who accesses the system through two hydrants, and there are meters on that use. The City did discover, during calendar year 2000, that a fire hydrant line had been tapped by the school for irrigation purposes, but that was immediately corrected and the irrigation use switched to reclaimed water. The irrigation use is now metered.

The City embarked on an extensive repair program of the surface water collection system beginning in the 1980s. The collection system had been built in the 1950s, the purpose of the repair was to increase the efficiency in collection and reduce the possibility of introduction of biological agents into the water supply. The system was past its useful life and had developed many leaks. The repair and replacement program took place over an eleven year span from 1990 through 2001. Virtually the entire collection system has been rebuilt with new piping, new spring boxes, and collection points adjusted to correspond to the existing springs.

The City also instituted a program to reduce the loss of water through evaporation and leakage within the storage and delivery system. In 2001 we began to cover and line the three major open-air potable water reservoirs (storage totaling 180 million gallons) with heavy-duty plastic. The last reservoir was completed in the spring of 2003. The combined effect of this program has been a loss prevention of up to 1.44 million gallons a day during the summer months, and up to 600 acre-feet per year, see *the Memorandum of Kevin Heberle, Chief Engineer, City of Alamogordo*. The water savings occur continuously, but are especially effective during the hot and windy summer season. In addition to the evaporative savings, the City had knowledge through the subsurface monitoring that during the summer of 1999 & 2000 the largest reservoir had developed leaks that seeped 200,000+ gallons per day. The liner installation has stopped all leakage. This is the only reservoir cover/lining in use that we are aware of in the State of New Mexico. The City has reconditioned three of its steel tank reservoirs in the last five years. The inspection and reconditioning process did not reveal leakage problems, but this type of preventative maintenance will avoid leakage from this source. The City is also continuing

development of the reclaimed water system. We have completed covering of the reclaimed water reservoirs. This will allow us to use more reclaimed water when consumption is high. Currently, our reclaimed water use is a "use it or lose it" scenario.

The City instituted an active in-house pipeline replacement program throughout the City in 1999. The replacement program is done through use of City crews for small projects and private contractors for major projects. Through this program, more than 16 miles of pipeline have been replaced or added. The pipeline replacement program is an ongoing program. *See photo exhibits in the supporting documents.*

The City recognized that the amount of pressure maintained within the system can have a direct impact on the amount of water used by the public. This is especially important in Alamogordo due to the terrain of the City; it is built on a sloping hill with the water being gravity fed. Water pressure is much higher at the bottom of the hill than the top. Excessive pressure can cause leaks to occur and more water to be lost through leaks. It is also necessary to maintain an adequate pressure to ensure that water-use devices operate properly. To address this situation the City has been divided into four pressure zones, which create a restricted pressure within each zone. These zones move from the highest elevations down the hill. Each zone is maintained between 50lbs at the top of the zone to 100lbs at the bottom of the zones.

The City has worked with the United States Air Force to replace the old and unreliable water delivery line from Bonito Lake to the City. This line was originally installed in the 1950s and had outlived its service period. The line had become undependable and frequently developed large leaks that required shutting down and draining the line. The Air Force and the City jointly worked to secure the necessary Federal appropriations for replacement of the line.

During the 1980s and early 1990s the residents of the City had used the City's referendum process to prevent water rate increases. In June of 1993 the City filed a Writ of Mandamus in New Mexico State District Court to void the latest referendum petition. An Appeal went to the New Mexico Supreme Court, which ruled in January of 1996 that the setting of rates was an administrative process and not subject to the referendum process. This decision permitted the City to begin using rates as a tool to encourage conservation of water and raise the public awareness of the value of water. The Commission did adopt a policy of annual review and upgrading of water rates in 1998. In 2000 the City moved away from a flat rate billing system, the Commission approved an increasing block system of rates (Ordinance No. 1106). This had an immediate impact on decreasing the consumption of water by residential customers. During the summer of 2002 the City experienced a continuing drop in the supply of water and implemented emergency steps to curtail the use of water. One of these actions involved surcharges on top of the existing increasing block system. The result was an average daily decrease in water usage of one and one half million gallons per day. There were other restrictions in addition to surcharges, such as reduced days and times of watering. In December of 2002 the Commission revised the increasing block rate ordinance to provide for additional higher priced levels of blocks and modified the amount of usage on each of the levels. In 2003 the Commission placed surcharges as a permanent part of the Rationing Ordinance. Rates have been increased every year since. The Commission has clearly established the policy of use of rates as a method to encourage conservation of water.

The City Commission in 1995 adopted the First Water Conservation Ordinance, No. 948, which established days and times when outdoor watering would be permitted. It also established other methods of reducing consumption such as, automatic shutoffs of hoses, requiring recirculation equipment on pools, reduced size bleeder lines on evaporative coolers, and water on request in restaurants. The original Ordinance also defined water wasting, prohibited the practice, and established a fine for violation of the Ordinance. The Commission has upgraded the Water Conservation Ordinance multiple times. Each upgrade has tightened standards to conserve water and has reduced the permissible uses of water. Presently, covers are required on pools when not in use, decorative outdoor fountains are not allowed, restrictions on washing of vehicles have been imposed, and restrictions exist on the amount of landscaped areas allowed for new construction. During the 2002 water rationing, the Commission rewrote the enforcement procedures. This resulted in almost instantaneous compliance as immediate charges were placed on the water bills for noncompliance. Enforcement is accomplished through the use of a broad group of City employees, who are out in the field, including: code enforcement personnel, animal control officers, police officers, and meter readers. This provision has now been made a permanent part of the Water Conservation and the Water Rationing Ordinances.

The Water Rationing Ordinance, No. 1008, was adopted in 1997 to provide for greatly reduced use of

water if and when the available water supplies were diminished. This ordinance provides for increasing restrictive use of water as the available supplies diminish. The Ordinance was amended in 2003 to incorporate automatic surcharges in stage two rationing (there are three stages). The trigger points were also re-established in 2003 to allow better forecasting methods. *All relevant water Ordinances are attached in the Appendix.*

The City embarked on an aggressive use of reclaimed water in the mid-1990s. The City has routed reclaimed water to the municipal golf course, the City's Walker Ball Fields, and the soccer complex. Since 2000, the City has continued to expand the reclaimed water program and now virtually all city green space uses reclaimed water including the high school athletic fields, one junior high athletic field, the City's Griggs Ball Fields, two cemeteries, all major City parks and green spaces, the landscaping on city buildings, and the zoo. The City has spent approximately \$4.3 million in local funding on this project, saving valuable potable water while still preserving the quality of life that is provided by parks and leisure areas. Additionally, the City requires the construction industry to use reclaimed water for construction purposes (dust control and settlement). Reclaimed water is sold to contractors. They must sign up for a meter with the Utility Billing Department. The City uses reclaimed water in the Public Works yard for cleaning of equipment, for any City repair work on streets, and for fire services equipment testing. During peak-use summer months, the entire system is able to utilize up to three million gallons of reclaimed water per day. In the winter we use an average of two million gallons per day. The net result has been to shift from potable water to reclaimed water. Approximately 1/2 billion gallons of reclaimed water were used in 2004. We are using one tenth of the potable water we used 7 years ago. This system has allowed us to drop city water account use of potable water from approximately 92,604,530 gallons in 1999 to 9,220,332 gallons in 2005. Recent updates to the reclaimed water system include the addition of a one million gallon storage tank. This increases our storage capacity for reclaimed water to 2.5 million gallons.

In 2004, the Department of Public Safety/ Fire Services implemented innovative methods to conduct required equipment testing. They built a pump test facility and installed an in-ground tank to recirculate fire truck testing water. A modified surplus tanker is used for hydrant flushing. Water is captured by the tanker, released into the sewer system, and used in our reclaimed water program. The Department contracted a consultant to conduct a computer analysis of hydrant flow capabilities throughout the City, which provided an accurate gallons-per-minute measurement of each hydrant's capacity. These testing methods save tens of thousands of gallons per year. This savings estimate is based upon past usage for the required tests.

The City has used several methods to communicate with the public on our conservation programs and the need to conserve water. First, the press has been a major component of the efforts to convey information to the public; they regularly cover meetings, have produced special features on conservation programs, and continue to publish daily information on reservoir levels, water use, and watering schedules. In Alamogordo the local paper is a major source of information concerning events and activities within the community. Secondly, the City uses direct mail information to help educate and inform the public of programs, problems, and solutions. The City publishes and sends out a monthly newsletter to every address in the City of Alamogordo. Since 1999 every issue of the newsletter has contained an article or tip on water conservation. *The three most recent editions of the City Profile are in the Appendix.* The City also uses the monthly water bill to convey information to the public. A small space was provided on the former bills to send information to the public. The City reformatted the bills in 2003 to include more information to the public. The new bills contain graphs showing the current month's usage and twelve months of history for the account. The bills have also been modified to display usage information in both cubic feet and in gallons. *See attached example of bills in the Appendix.* Feed-back indicated that most users did not understand how much water is in a cubic foot and frequently equated a cubic foot with one gallon. The third method the City uses is through example and education. The City has xeriscaped areas around the community to demonstrate how an area can be attractively landscaped without the use of wet weather plants. The City is also changing its irrigation systems to increase efficiency and effectiveness. Although most of the City landscaping uses reclaimed water, we feel it is still important to demonstrate the importance of conservation. Educational information is provided through a wide variety of forums each year. Free xeriscaping information is available through Keep Alamogordo Beautiful. This year the City held a Town Hall meeting on July 6, 2006 to discuss all aspects of our water supply status and our conservation program. About 200 citizens attended the meeting. A rain-barrel water harvesting system was given away as a door prize.

The net effect of all of these steps has been to reduce per capita consumption and annual total consumption. The 1990 per capita figure was 245.54 gpcd. Alamogordo's highest per capita use was in 1992, at 261.28 gpcd. The 2003 figure was 125.47 gpcd, and 2005 usage measured 113.07 gpcd. The 1990 figure was on the upper end of the scale for southwestern cities, but our latest figures are among the lowest in southwestern cities. The City of Albuquerque's most recent per capita use figure is 177 GPCD (2005).

The City of Alamogordo has been recognized for its conservation efforts statewide as well as nationally. In February of 2006 we were awarded the U.S. Conference of Mayor's Municipal Water Conservation Achievement Award. This recognition comes with a \$5,000 award, which the City reinvested into its conservation program by purchasing incentives and educational materials.

The City is proud of what has been accomplished in reducing the GPCD, our people have been required to reduce their consumption and their quality of life due to the lack of water supplies to an extent not forced upon any other community in the Tularosa Basin and below most communities in the Southwest. The City commission has adopted a standard of 165 GPCD as a reasonable goal for the City that allows a reasonable lifestyle while recognizing that Alamogordo is in the desert and can not use unlimited water.

The following sections will provide backup and additional discussion on each of the areas mentioned above.

### **Per Capita Use**

The City of Alamogordo calculates average daily use by adding every month's total diversions and dividing that figure by 365. We divide that number by our estimated population, which is derived by averaging growth between the 1990 and 2000 Censuses and adding a yearly growth percentage factor. The per capita figure also considers Holloman Air Force Base system users. Per capita use is a convenient tool for comparing communities. The difficulty is that it is not necessarily a good tool to use. While it may be used in a general sense for comparison, entities often calculate it with different parameters. Also, the differences between communities must be kept in mind. There are many factors that affect the per capita rate: number and types of businesses - some types of manufacturing use much greater amounts of water than others and they employ population from areas outside the municipality, elevations - higher elevations are cooler and use less water for climate control, temperature and rainfall which can have a significant impact on a seasonal basis, mix of residential to non residential accounts, etc.

The data in the following table was taken from the City of Albuquerque's Water Conservation Program Overview, and provides a very general comparison of Southwest cities:

Per Capita use in 2001

Santa Fe 143

**Alamogordo 155**

El Paso 163

Tucson 165

Albuquerque 205

Denver 220

Phoenix 252

Las Vegas 319

Based upon this information the City of Alamogordo is performing very well. Despite the number of factors that may impact the per capita measurement tool, it is a gauge that may be used to measure progress in achieving conservation of water. Looking at the highest per capita rate of 261.28 gpcd from 1992, compared to the 2005 figure of 113.07 gpcd, usage was cut approximately 57% during a population growth of about 9,500 (*local estimated population based on average growth between the 1990 and 2000 Censuses*). If we use the 2000 Census Bureau population estimate (35,582 plus outside

City limits users of 400) and apply it to water usage in 2005, we will get a more conservative figure for per capita usage: 123.117 gpcd. Furthermore, if we were to look at strictly residential use alone, the numbers would be even lower. Based on consumption records maintained by the Utility Billing Department, residential use has averaged approximately 77.5% of the City's total usage in the past 5 years, *see report in Appendix*. In 2002 residential use was 78.39% of the total consumption billed, which calculates to a residential-only per capita rate down to 105.36 gpcd. Based on 77.5%, the 2005 residential-only per capita use was 87.6 gpcd. There is very limited ability to further reduce consumption through conservation programs.

The chart below [see link] shows the trend of Alamogordo's overall per capita usage, not just residential use. This chart was created from untreated total water production history charts and per capita estimate records, *which are included in the Appendix*. While this chart highlights the conservation efforts of the community it also needs to be noted that the harsh rationing steps were required to meet the lack of water supply.

[per capita graph](#)

### **Measurement and Meter Replacement Program**

To determine whether a water conservation program is working, it is necessary to have accurate measurements on the use of water. The City of Alamogordo recognized this early in the process and installed water meters on all potable water use. Reclaimed water is also metered, but this has been done incrementally.

The City of Alamogordo elected to install meters that measure based upon cubic foot (cf.) of usage. While the measurement method (cf. vs. gallons) normally does not matter, our experience is that most individuals do not have a conceptual picture of how much water is in a cubic foot; hence they frequently equate it with one gallon. Actually it is approximately 7.48 gallons. This perception has led individuals to believe their water usage is very low, however when shown the conversion to gallons they are shocked at the amount of water being used. The City of Alamogordo addressed this with a new billing format. It now displays the information both in cubic feet and in gallons, a much more cost efficient method of addressing the concern than changing the entire system over to meters that read in gallons. Business and commercial users do not seem to be affected by this information.

The City of Alamogordo also has a meter replacement program, which has replaced about 3,000 meters in the last seven years. This program is important to provide accurate readings within the system. Water meters are mechanical devices in which moving water turns a wheel to operate a gauge. As the meter ages, the measurement slows down due to friction and wear, hence the older the meter the greater the tendency to under-read the actual amount of water passing through the device. Companies that perform tests on meters indicated the normal amount of loss is approximately 3.88% in older meters. Eventually the meter will stop functioning. This under-reading inhibits us from knowing and properly responding to the water needs of the community. The under-reading also inflates the amount of water that appears to be lost due to leaks in the system. Faulty meters between the reservoirs and the treatment plant had been progressively reading high for production, by as much as 12%, which was skewing real water loss figures significantly over the last few years.

To further develop consumer confidence in the system, the City of Alamogordo reads every meter every month. The meters are read and data is input into handheld recording devices, which are downloaded daily. We maintain a window of reading between 29 and 33 days to permit flexibility for holidays, weekends, illness, or other unforeseen circumstances. This is an area where individuals frequently question the City's accuracy, and demonstration has proven to be the most effective tool to educate the public. The billing system has additional safe guards that check the readings against the same meter in the same period a year prior and automatically produce an error report for unusual high or low fluctuations, which are then rechecked.

### **Repair and Replacement Program**

The City initiated a major repair and maintenance program of the surface water collection system in the La Luz/Fresnal Canyons in the mid-1980s. The first portions were done by City of Alamogordo crews. It was later determined that this was not the most cost efficient manner to accomplish the project and the City hired private contractors to continue and finish the work. Since much of this early work was not tracked as a project, but buried in the operating cost of the Public Works Department, the costs of this portion of the repair and maintenance are difficult to certify. The estimated cost is

\$30,000.00.

The City replaced virtually all of the rusted lines in the surface water collection system with new lines at a cost of \$1,803,045. These lines are sized to only allow the maximum diversion allowed under the City's water right. The City also reworked the spring collection areas at a cost of \$1,100,556. All repairs and maintenance were done with the approval of the Office of the State Engineer. The City also repaired the Alamo Canyon Pipeline in the 1980s. The estimated cost was \$2,542,700. The line undergoes periodic inspection and maintenance. Repairs were made to the Bonito Dam during the 1980s in the amount of \$504,500 and additional maintenance was completed in Fiscal Year 2002 in the amount of \$136,723.

The City repaired the Bonito Pipeline from the Bonito Dam to the community of Nogal in 1993 and 1995, under two separate programs, at a cost of \$551,219 and \$726,525 respectively, for a total cost of \$1,277,744. The City owns this section of the Bonito pipeline. The City has assisted the Air Force in securing appropriations in the amount of \$15 million to replace the line between the Town of Carrizozo and the La Luz Water Treatment Plant. This section of the Bonito pipeline is owned by the Air Force. This section had weakened over time and had become very susceptible to breaks. This project was completed in the spring of 2003.

When the water entered the City's main reservoir complex it was stored in three open-air reservoirs, consisting of two 40 million-gallon earth/clay reservoirs, and a 100 million-gallon concrete lined reservoir. The City measured the normal evaporation from the surface areas of these reservoirs. It was estimated that during a normal summer season the City was losing an estimated 1.44 million gallons of water per day, due to the combined effects of evaporation and leakage. The concrete lined reservoir is new and has monitoring devices to detect leakage; however the older reservoirs do not have such equipment. The newer reservoir developed leaks in 1998 and 1999 which were leaking more than 200,000 gallons of water each day, emergency repairs were performed each year and permanent repairs each winter. The loss through the older reservoirs was unknown, although when they were emptied and cleaned, leakage damage could be detected. The City has lined and covered all reservoirs, at a cost of \$1,970,000. This has resulted in a savings of between 500-600 AFY. *For more details, see the March 21, 2003 report of Kevin Heberle, Chief Engineer, in the Appendix.*

The distribution line from our green reservoir (a steel tank) into the City was replaced in 1996 at a cost of \$1,336,766. There are steel tanks throughout the City to provide a buffer for peak flows and for pressure equalization. These tanks undergo rehabilitation to ensure they are safe and are not leaking. The green reservoir was rehabilitated in 1987 at a cost of \$510,000. Three of the other tanks have been rehabilitated since 1998 at a cost of \$700,000.

The City has also committed to numerous water system infrastructure replacement programs within the city limits in the past few years. In 1996, \$551,806 was spent in waterline replacement; in 1997, \$175,817; in 2001, \$666,508; and in 2002, \$379,027; in 2005, \$497,974; and in 2006, \$2,666,665. Additionally, we have expended almost \$1,547,000 on the Westside Water Infrastructure Improvements Program. City crews and contractors have installed approximately 16 miles of replacement line throughout the City during the period 1999-2004.

### **Use of Rates**

The City's rate system for water use has historically consisted of two parts. First, a base fee was established dependent upon the size of the meter hooked to the system. This fee was charged every month without regard to the volume of water used. The theory was that the system has a high fixed cost (bond payments, capital expenses, and required staff for operations) that must be paid regardless of the volume of water sold. The second component of the rates was a commodity charge, which was based upon the volume of water used. In June of 1998, the base fee on the smallest-size meter was \$8.64 per month. The commodity charge was a flat fee of 74 cents per 100 cubic foot (cf) of water. The effect of this structure was that individuals did not detect much difference in their water bill as their consumption changed. The problem was further compounded because the sewer bill and the solid waste bill, both fixed monthly amounts, were also on the same monthly bill; hence the individuals had a large "fixed component" and only a small variable component. The City had begun using regular small annual rate increases, normally equal to the cost of living, after the successful court case in the mid-1990s. In early 1999, the Commission approved an increase larger than the cost of living increase, in order to develop more money for capital replacement programs in the water and sewer fund. This appears to have had an immediate impact in dropping usage during the peak summer

months of 1999, but in 2000 the demand picked up above the 1999 levels.

In January 2001 the Commission adopted an inclining rate structure, (Ordinance 1106). This system, also known as the "tier system" uses the fixed base fee. It also established the first tier of water usage at a modest charge: 100-1500 cf at \$.84/ 100 cf, usage from 1600-2500 cf at \$1.20/ 100 cf, and \$1.50/ 100 cf for 2600 cf and over. The City's inclining block rate system had an immediate and dramatic impact as the per capita use dropped 28.21 gpcd from 2000 to 2001. The Commission also received significant feedback from the higher-consumption users during this summer. In December of 2001, the Commission approved Ordinance 1129, an adjustment to the tier system which raised the commodity charges for the 3 tiers to \$.85/100 cf, \$1.25/100 cf, and \$1.60/100 cf. The effectiveness of this increase is difficult to determine. January through April of 2002 actually showed an increase in per capita usage of 22.5%. However these are low volume months; they were also very warm months. In the early months of 2002, the City realized that we could not provide the necessary water to supply the community's needs at the same level as the previous year. This was due to declining surface flows from the continuing drought. In April of 2002, the Commission passed a "Surcharge Ordinance," No. 1148 in an effort to reduce consumption. Surcharges were enacted as follows: between 1200-1500 cf an additional \$.50/100 cf, 1600-2500 cf \$3.00/100 cf, and over 2500 cf \$5.00/100 cf. This again had an immediate impact on water use for the year. The per capita consumption dropped from 155.29 gpcd in 2001 to 134.41 gpcd for 2002, a difference of 20.88 gpcd.

In December of 2002, the Commission revised the tier system with Ordinance 1168. A fourth tier was established from 4100-5000 cf and a rate set at \$3.30/100 cf; and a fifth tier was established for consumption above 5100 cf, at a rate of \$5.00/100 cf. In 2006, the rate for tier 1 is \$1.06/100cf and for tier 5 is \$6.10/100cf. All figures above represent the charge for a ¾" meter, which make up the vast majority of the City's meters. Larger size meters have different tier parameters. The current rate system still utilizes 5 tiers. *The current rate structure is included in the Appendix.*

### **Conservation and Rationing Ordinances and Approaches**

The Commission adopted the first Water Conservation and Rationing Ordinance, No. 948, in June of 1995. Since that time the sections have been modified, redefined, and tightened through several revisions. In April of 2002, the Commission adopted Ordinance 1148 as an emergency step to reduce usage of water. This is the Ordinance which set the surcharges, as discussed above. Ordinance 1148 streamlined the enforcement provisions of the water conservation and rationing sections. This permitted a charge to be immediately placed upon the water bill, which seemed to have the effect of gaining much greater compliance. This Ordinance placed additional restrictions on development, swimming pools, and car washes. In August 2002 the Commission adopted Ordinance 1161 to further tighten water usage, and refined it in September 2002 with the passage of Ordinance 1162. The major short-term impact of these Ordinances was to reduce the times and days of outdoor watering. This, in conjunction with the enforcement provisions, had a great impact in reducing water use and caused a great deal of outcry from the community. During the winter of 2002-2003, the City maintained one day a week watering. This reduced water usage, permitted the City to stop pumping the wells, allowed some recharge to the underground aquifer, and allowed the filling of the surface reservoirs. Ordinances 1168 and 1175 further amended Chapter 28 of the Code of Ordinances pertaining to water, sewer, and reclaimed water rates and emergency rationing. In 2003, Ordinance 1186 added a section to the Code to allow for the City Manager's authority to restrict water use during periods of unusual circumstances. In July 2004, Ordinance 1204 added a section to enact fees for noncompliance. Ordinances 1208 and 1210 deal with recently added ancillary charges. Ordinance 1224 is the most recent amendment to the rate schedule. *See all the City Water Ordinances in the supporting documents.*

Throughout the City there has been a noticeable conversion of landscaping from lush Midwest-type landscaping to more southwestern style plantings and rock gardens. This should result in a permanent reduction in water consumption. However, as the various conservation steps listed above have taken effect, it has become increasingly difficult to find the next gallon of water to conserve. The City, in November 2001, put in place its first rebate program for low flow toilets for individuals. The program was extended and the Commission additionally made the program available to commercial entities. Since implementation, there have been 660 replacements completed to date. In 2003, it was estimated that the net savings from the replacement program were approximately 2.4 million gallons of water per year. The City has also distributed free low flow shower heads and volunteers have installed 149 low flow shower heads in Public Housing units. Other types of incentives are being discussed, such as replacement of evaporative coolers with refrigerated air, replacement of landscaping, and

replacement of inefficient washing machines. However at this time it is felt there are other more cost efficient uses of City resources. The City government converted all of its toilets to low flow prior to 2003 and the City installed waterless Urinals in the City Hall building in 2006..*See agenda report on Toilet Replacement Program in the Appendix* The Department of Public Safety/ Fire Services implemented several innovative approaches to conserving water while complying with required equipment testing. They built a pump test facility and installed an in-ground tank to re-circulate fire truck testing water. A modified surplus tanker is used for hydrant flushing. Water captured by the tanker is re-used in our reclaimed water program. The Department contracted a consultant to conduct a computer analysis of hydrant flow capabilities throughout the City, which provided an accurate gallons-per-minute measurement of each hydrant's capacity. These testing methods save tens of thousands of gallons per year, based upon previous years' testing.

### Reclaimed Water Use

As the City looked to the future water resources of our community, we came to realize the limited supplies were going to have to be stretched as far as possible to meet the needs of the people. This immediately suggested that the quality of life would have to decline. The Commission wanted to maintain the quality of life in our community to the greatest extent possible. Parks and open areas create an oasis in the desert of southern New Mexico. To address this issue, the Commission adopted an innovative approach. The City took waste from the sewer treatment plan, the disposal of which was costing the City money, and turned it into a useful resource: reclaimed water. The initial steps were taken in the mid 1990s as the City developed and expanded the golf course. Recognizing that potable water was too scarce of a resource to be used, the City extended distribution lines and used pump stations to transport treated wastewater to the golf course. On the way to the golf course the line was routed past the Walker ball fields. These fields were also being expanded to satisfy the demands of the community and to help develop the economic base of the community through tournaments. These projects proved very successful in permitting the City to provide for the quality of life the residents of Alamogordo and the environs wanted, without putting an additional demand on the limited water resources of the Tularosa Basin. The next demand came from the school system, as they needed to expand the athletic fields, specifically for soccer. The City extended the reclaimed water lines and pump stations to the north and east. Not stopping at the new soccer complex, the City extended the reclaimed lines to include a private cemetery, a City-operated cemetery, and Washington Park, removing them from the potable water system. In the late 1990s the value of using the reclaimed water became even more obvious. The City extended the reclaimed water system north through the Washington Ave/Oregon Ave greenbelt to Indian Wells, north to the Griggs Sports Complex, and west along Indian Wells greenbelt to Alameda Park, then turned south to the Alameda Park Zoo. *See the Reclaimed Water Distribution Area Map in the Appendix.*

### City Water Accounts in Millions of Gallons - potable water use only. *Source: Utility Billing*

1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
67.92	100.14	102.86	77.96	92.60	34.38	26.39	17.33	11.09	9.71	9.22

The City has spent over \$4 million in developing the reclaimed water system, constructing 16.2 miles of pipeline, two booster stations, and is in the process of constructing a 1,000,000-gallon storage tank. The City is preparing to line the reservoir to prevent any leakage. This system has permitted the City to reduce potable water use significantly. Peak use of reclaimed water can be up to 3 million gallons per day during the summer. The preceding chart and table clearly shows the decline in the City's use of potable water. Unfortunately, during 1999 a major leak developed in the waterfowl pond at the zoo, requiring a lengthy repair period. This pond now uses reclaimed water. In 2006 a new reclaimed reservoir was added to the system; paid half by local and half through a State grant.

### Public Outreach and Education

Recognizing that one of the most important elements of a successful water conservation program is encouraging the public to take steps to conserve and protect the resource, the City has an active and comprehensive approach in its outreach efforts. The City's goal is to supply our residents with the information they need to make wise water-use decisions through education about the future of conserving water, protecting our water resources, and guiding their actions for years to come.

The City promotes and participates in a wide variety of activities within the community through the development and implementation of a variety of educational programs and other methods of public

outreach to inform, encourage, and reinforce the importance of water conservation. The City is committed to being involved in many activities to increase the public's awareness of water conservation. The City has partnered with Sierra Elementary school to offer a Water wise Program, in which 3rd graders are given free water conservation kits. It is an interactive water conservation Program that tracks water use, teaches conservation methods, and provides each family with a free shower head and free leak detection kit.

In July 2006, the City held a Town Hall meeting to discuss all aspects of our water supply status and our conservation program. About 200 citizens attended the meeting. A rain barrel water harvesting system was given away as a door prize. The City regularly promotes water conservation education at environmental exhibits and events where a large and diverse segment of the population is reached. Programs that occur annually include the Arbor Day Celebration in March, the Community Earth Day Festival in April, and the Otero County Fair in August. Many area schools hold water education events in which the City participates. Water conservation information, brochures and other literature are given out at these events. Speaking engagements are made continually throughout the year to members of the Chamber of Commerce, service organizations, gardening groups, and other civic and community groups through the City Manager's office and the Keep Alamogordo Beautiful (KAB) program. KAB also provides citizen information and workshops regarding xeriscaping. Water conservation through landscaping with low water use plants is encouraged and demonstrated through City xeriscape gardens. These gardens are located in several visible areas around the City. We are demonstrating the use of a product called "Dri-Water" at the Visitor Center Garden and the medians along White Sands Boulevard. *See photos in the Appendix.*

Through our hospitality program, local restaurants have table tents with the water conservation message and only serve water upon request. The City has provided free reminder notices to local lodgings for their guests to request clean towels and sheet changes, rather than to have them laundered each day, in an effort to conserve water. The City checks with the hotels periodically to see if more notices are needed.

In addition to these types of programs, the water conservation message is spread further through monthly conservation messages on the back of water bills, radio announcements, local newspaper articles, in the City Profile which is our quarterly newsletter that is mailed to each residence, and the City's Annual Water Quality Report. See samples of the Water Quality Report and the City Profile in the Appendix.

## Conclusion

The City of Alamogordo will continue to emphasize and encourage water conservation. This is our duty as a responsible community in the arid Southwest, and it will continue to be necessary due to characteristic long periods of drought. However, Alamogordo has done much already to achieve significant results in responsible water conservation and may in fact be reaching a plateau, where further water restrictions are no longer possible while maintaining a reasonable quality of life. Currently, we are the only municipality in the State that has covered and lined our reservoirs and have instituted 100% use of reclaimed water during the bulk of the year.

The City has spent, and continues to spend each year, millions of dollars to develop and maintain the water collection and delivery system as an efficient and effective system. The City has aggressively used public information and education to foster wise use of the water resource, including the revamping of the billing format. The City utilizes reclaimed water and other innovative methods to maintain the quality of life. Reclaimed water has replaced the use of potable water for construction activities. The City uses rates as a method to encourage conservation, through the increasing block rate structure. The City has adopted and has enforced conservation steps and rationing stages to further restrict the use of water during shortages.

Alamogordo averaged 226.03 gpcd in the 1990s and has averaged 149.69 gpcd in the first 4 years of this decade. The New Mexico Office of the State Engineer estimates a reasonable residential per capita use goal for Alamogordo would be 124.73 gpcd. Based upon total untreated water production, a water-user estimate of 37,579 people, and the Utility Billing Department's residential-use data: **Alamogordo's residential per capita rate in 2002 was 105.36 gpcd. In 2003 it was 99.397 gpcd.** *See the Estimate on reasonable Per Capital Residential Use Goal in the supporting documents.* This is not a reasonable level of usage, and while it has been necessary to match the Supply and demand within the system the realistic long term goal of 165 gpcd is the minimum level the

City needs to provide to assure the basic life, safety and welfare needs of the community.

**Continued Conservation is, has been, and will remain a tool used by the City to exercise wise stewardship of our water resources. However, continued conservation will not be sufficient to provide for the future needs of the community, nor is it adequate to provide security during this period of drought. The City must secure additional sources of water to provide for the current and future needs of the people of Alamogordo.**

> [City of Alamogordo](#) > [Water Conservation](#) > Alamogordo Receives National Recognition for Water Conservation

# Alamogordo Receives National Recognition for Water Conservation

press release by Maureen K. Schmittle, Public Communications Manager

Alamogordo's Mayor Don Carroll traveled to Washington D.C. to accept the U.S. Conference of Mayors Municipal Water Conservation Achievement Award, presented on January 27, 2006. Alamogordo was one of only two cities nationwide to receive this prestigious award for calendar year 2005. The Mayor was proud to accept the \$5,000 award and the plaque that reads "The United States Conference of Mayors and the Urban Water Council hereby recognize the City of Alamogordo for outstanding achievements in water conservation." The Mayor will present this award to the citizens publicly at the next regular Commission meeting on February 14, 2006 at 7:30p.m. "I accepted it on behalf of the City and the Citizens, because they're the ones who made it happen by conserving water," said Carroll. "Our conservation program is innovative in the respect that it covers such a broad area...not many communities use all of these methods." The Mayor cited methods such as: our extensive reclaimed water system for irrigation, all reservoirs being lined and covered to prevent evaporation and leaking, two new water-saving fire hydrant and fire equipment testing systems implemented by the Fire Services Department of DPS, the meter replacement program, and the water rate system which encourages conservation.

The \$5,000 award will go into a Water Conservation Fund to be used for furthering the conservation efforts of the community; for instance, a project similar to the low-flow toilet rebate program. The City Manager and Staff will research how this funding can best be utilized to aid in our successful water conservation program. An announcement will be forthcoming.

The application for award was submitted in September 2005. Applicants were directed to select a category for competition and Alamogordo applied in the Innovative Water Conservation category. In response to why we think our approach is unique or innovative, Grant Coordinator Maureen Schmittle wrote, "We feel our program is innovative because it uses a broad based systematic approach to conservation, which has achieved proven and remarkable results. Our program components, such as the covering/ lining of reservoirs and the new fire equipment testing methods, are one-of-a-kind and visionary. Our reclaimed water use is highly efficient, as we look for ways to recycle treated water for a second or third time to maximize use. Alamogordo's conservation program involves all community sectors. We have not rested with our success; we continue to revamp the system each year as new methods of conservation become evident."

> [City of Alamogordo](#) > [Water Conservation](#) > Innovative Conservation Measures

## Innovative Conservation Measures

Alamogordo has some innovative approaches to conserving our water resource. We utilize an extensive reclaimed water irrigation system for watering all City green spaces, including parks, ballfields, the zoo, the golf course, and the cemetery.

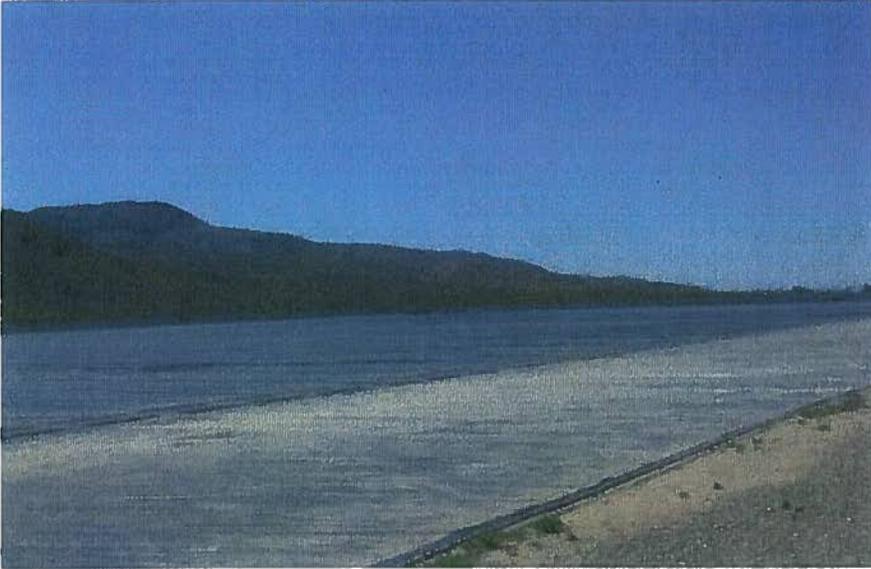


The Department of Public Safety/ Fire Services Division implemented water saving measures by building a pump test facility and installing an in-ground tank to re-circulate fire truck testing water. A modified surplus tanker is used for hydrant flushing. Water captured by the tanker is re-used in our reclaimed water program. The Department contracted a consultant to conduct a computer analysis of hydrant flow capabilities throughout the City, which provided an accurate gallons-per-minute measurement of each hydrant's capacity. These testing methods save tens of thousands of gallons per year, based upon previous years' testing.



The City also provides conservation education throughout the year to the general public and in our schools. We have conducted a "WaterWise Resource Action Program" pilot project at Sierra Elementary. Students were given kits with water saving devices, and information on how to save water. There were 55 total participants in the 2006-2007 school year. Children were pre- and post-tested about water conservation information. Scores/ subject knowledge improved from 64% to 99%. 85% of participants reported that they changed the way they use water. Projected annual savings based on the number of households participating estimated that 357,335 gallons of water per year would be saved!

All water reservoirs, potable and reclaimed, are lined and covered to prevent leakage and evaporation.



***Code of  
Ordinances  
Article 28-03.  
Water***

Alamogordo, New Mexico, Code of Ordinances >> PART I - CITY CHARTER >> Chapter 28 - WATER, SEWERS AND SEWAGE DISPOSAL >> ARTICLE 28-03. - Water >>

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## **ARTICLE 28-03. - Water**

- 28-03-010. - Water supply protection.
- 28-03-020. - Application for water use.
- 28-03-030. - Rules and regulations.
- 28-03-033. - Water conservation.
- 28-03-034. - Nonessential water use restrictions.
- 28-03-035. - Water rationing.
- 28-03-036. - Exceptions to enforcement.
- 28-03-037. - City manager's authority to restrict water use.
- 28-03-038. - Fees and penalties for noncompliance.
- 28-03-040. - Contamination.
- 28-03-050. - Meter installation required.
- 28-03-060. - Billing procedure.
- 28-03-070. - Sales outside city limits.
- 28-03-080. - Rates.
- 28-03-085. - Ancillary charges for nonroutine services.
- 28-03-087. - Abatement of penalties and late fees.
- 28-03-090. - Line tapping and meter setting fees.
- 28-03-100. - Deposit.
- 28-03-110. - No free service.
- 28-03-120. - Testing of meters.
- 28-03-130. - System development fee.
- 28-03-140. - Capital contribution fee.
- 28-03-150. - Maintenance and repair of service lines.

### **28-03-010. - Water supply protection.**

The city manager shall make such rules and regulations in furtherance of the purposes of this article and not inconsistent with the specific provisions of this article, for the installation, repair or alteration of air conditioning systems, water treatment equipment and water operated devices may be deemed necessary to properly protect the water supply system.

*(Code 1960 § 4-2-11)*

### **28-03-020. - Application for water use.**

No water shall be taken or used from the city water system, except by permission of the city commission through its duly authorized officers and agents.

*(Code 1960 § 9-9-1)*

### **28-03-030. - Rules and regulations.**

The city commission shall from time to time make reasonable rules and regulations governing

the distribution and use of the waters belonging to the city for either irrigation or domestic purposes. Any person taking or using such waters, for either irrigation or domestic purposes, in violation of any of the rules so made and established by the city commission shall be deemed guilty of a misdemeanor.

Code 1980 § 9-7-21

### **28-03-033. - Water conservation.**

The flow of treated water from property into streets, alleys, gutters, and other public rights-of-way, ditches, or into a storm water drainage system or facility is contrary to the public health, safety and welfare of the citizens of the city and is therefore declared to be a nuisance. "Treated water" shall have the same meaning as set forth in section 28-01-010 of the City Code. The city attorney is authorized to take legal action to abate such a nuisance, including but not limited to injunctive relief. This authorization to seek injunctive relief or other legal action to abate such a nuisance shall not preclude prosecution for a violation of this chapter.

The following water conservation measures shall be in effect at the times specified. No person, firm or corporation shall use any water in violation of any provision of this section.

- (a) The following water conservation measures shall be in effect for all users on the city water works system during the period of 12:00 midnight, May 1 through 12:00 midnight November 1.
  - (1) Outdoor use of water through a sprinkler system or use of water through a hose to water any grass, trees, plants or other vegetation shall be determined as follows.
    - a. Users with odd numbered addresses shall be permitted to use water in the above manner on each Wednesday, Friday and Sunday.
    - b. Users with even numbered addresses shall be permitted to use water in the above manner on each Tuesday, Thursday and Saturday.
    - c. Watering in the above manner shall be prohibited on each Monday.
    - d. In case of corner buildings having both odd and even numbers, the number carried on the books of the city's utilities department shall control.
  - (2) The conservation measures detailed in paragraph (1) above shall be in effect during the period of 12:00 midnight, May 1 through 12:00 midnight, November 1 and shall apply to all residences and to all businesses and institutions having grass, trees, plants or other vegetation and shall be followed at all parks and public buildings which are watered with treated water. Areas watered using reclaimed water or private wells are exempted from these restrictions. These conservation measures shall not apply to any person, firm or corporation engaged in the business of growing or selling plants of any kind.
  - (3) Beginning with the implementation of conservation measures on 12:00 midnight, May 1 through 12:00 midnight, November 1, outdoor watering of grass, trees, plants or other vegetation shall be prohibited between the hours of 9 a.m. and 6 p.m.
  - (4) Treated water may only be used for cleaning buildings, decks, sidewalks, driveways or other impervious surface areas during the days and times that outdoor watering of grass, trees, plants and other vegetation is allowed. However, treated water may be used to clean sidewalks, driveways or other paved areas should it be necessary to clean nonrecurring spills that could pose a hazard to the health and safety of the citizens of the city. A special permit may be issued by the city manager for washing down of impervious surfaces outside of normal watering hours.

- (5) The provisions of this section taking place between 12:00 midnight, May 1 through 12:00 midnight, November 1 may be implemented at other times of the year by the city manager upon determination that conditions surrounding the city's water supply warrant the imposition of such conservation measures. Should the city manager implement conservation measures at a time other than between 12:00 midnight, May 1 through 12:00 midnight, November 1 when conservation measures are not in effect, the commission will consider such implementation at its next regular meeting and either ratify the city manager's actions or remove the conservation measures.
- (b) New homes shall have a grassed area not greater than fifteen (15) percent of the lot size. The square footage of any swimming pool installed on the lot is included in the fifteen percent to determine the maximum grassed area.
- (c) No new decorative outdoor fountains that use treated water will be permitted to be constructed or utilized.
- (d) Effective immediately hotels or motels or other establishments providing accommodations to overnight guests shall not change linens and towels daily for guests staying for more than one night unless specifically requested to do so by the guest.
- (e) Restaurants shall provide drinking water to customers only upon request.
- (f) All swimming pools, which are constructed after the effective date of Ordinance No. 948 must be equipped with filtration, pumping and recirculation systems.
- (g) Impervious pool covers are required on all pools and must be in place when the swimming pool is not in use. No water shall be drained from pools into the streets or alleys of the city.
- (h) Turf grass is prohibited in all parkways, narrow strips of land and sloped areas within the new residential or commercial sites for which a building permit is issued, unless irrigated with subsurface irrigation or non-treated water. For purposes of this section, "sloped areas" means an area with a slope ration of one (1) to three (3) or greater from the horizontal. "Subsurface irrigation" means a low pressure irrigation system installed below the surface of the ground or mulch, consisting of a water distribution system equipped with pre-installed water emitters that are rated by gallons per hour, and that is suitable for turf grass irrigation.

*(Ord. No. 948, § 1, 6-13-95; Ord. No. 1008, 4-8-97; Ord. No. 1056, 3-23-99; Ord. No. 1087, 6-13-00; Ord. No. 1169, § 1, 2-11-03; Ord. No. 1397, 4-26-11)*

### **28-03-034. - Nonessential water use restrictions.**

1. The following restrictions shall apply to all customers of or persons who use or receive treated water from the city: The use of a free-flowing hose to wash any vehicle is prohibited. Vehicles may be washed only from a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. This prohibition also includes the operation of vehicle washes such as fund-raisers held at commercial businesses. Mechanical commercial car washes are permitted.
2. "Wasting water" is prohibited. The following practices are wasting water:
  - (a) Using treated water for any purpose in such a way that it flows, sprays, or is otherwise excessively discharged upon any street, alley or other public right-of-way, ditch or drain;
  - (b) Failing to repair a leak in a system which delivers water within five (5) working days of the discovery of same;
3. New or replacement bleeder lines from evaporative coolers shall not be larger than one-eighth-inch inside diameter. Bleeder lines shall not be routed into the sewer system when the discharge can be used to water landscaping or other outdoor vegetation, except where an exception has been granted by the city manager.

*(Ord. No. 948, § 2, 6-13-95; Ord. No. 1169, § 2, 2-11-03)*

**28-03-035. - Water rationing.**

The following water conservation stages shall be in effect at the times specified. When Stage 1, Stage 2, or Stage 3 water rationing is in effect, no person, firm or corporation shall use any water in violation of any provision of this ordinance. Restrictions contained in each stage will be effective in all subsequent stages unless explicitly or implicitly repealed.

- (1) **Stage 1: Water rationing.** Whenever the estimated demands on the system exceed the estimated supply (storage, well capacity and surface flows) such that it appears that there will be a substantial shortage of water over the next six-month period, a "Water Emergency" will be declared. The city manager shall have the authority to impose Stage 1 water rationing. The city commission shall consider the actions of the city manager at its next meeting at which time the city commission shall approve or disapprove the action taken by the city manager. The following requirements shall be in effect.
  - a. The city manager shall make public announcements, through the print and broadcast media concerning the Stage 1 water rationing, whenever Stage 1 is in effect. The announcement will include a description of the rationing restrictions.
  - b. Use of water through a sprinkler system or use of water through a hose to water any grass, trees, plants or other vegetation shall be determined as follows:
    1. Users with odd numbered addresses shall be permitted to use water in the above manner on each Wednesday and Sunday.
    2. Users with even numbered addresses shall be permitted to use water in the above manner on each Tuesday and Saturday.
    3. Watering in the above manner shall be prohibited between the hours of 8 a.m. and 8 p.m.
    4. Owners of newly seeded or sodded lawns or newly planted trees and shrubs allowed under section 28-03-033(2) shall be required to comply with this section
  - c. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees, or shrubs, and shall be followed at all parks and public buildings which are watered with treated water. Areas watered with reclaimed or private well water are exempted from these restrictions. These restrictions shall not apply to any person, firm or corporation engaged in the business of growing or selling plants of any kind.
  - d. Treated water may be used to fill a swimming pool during the time that the homeowner is entitled to water his/her lawn.
  - e. Newly seeded or sodded lawns or newly planted trees or shrubs shall be exempted from Stage 1 water rationing for the time needed to establish the lawn, tree or shrub, provided the vegetation was planted before Stage 1 was imposed and the time needed to establish the lawn, tree or shrub does not exceed thirty (30) days. Said lawns, plants or shrubs must still comply with the Water conservation provisions of section 28-03-033. No lawns shall be newly seeded or sodded or trees or shrubs newly planted.
    1. Anyone who has seeded or sodded a lawn or planted trees or shrubs prior to Stage 1 water rationing shall obtain a permit from the City of Alamogordo for this exemption.
    2. Newly seeded or sodded shall mean an area that visibly lacks vegetation. Watering shall be restricted to an area that covers newly seeded or sodded portions of a lawn without extending unnecessarily to areas with

established vegetation.

- f. No water shall be used for fund-raising car washes.
  - g. Washing building, decks, sidewalks, driveways, parking areas, tennis courts, patios or other impervious surface areas with a hose except in emergencies to remove spills of hazardous materials or to eliminate dangerous conditions which threaten the public health, safety, or welfare, is prohibited.
- (2) *Stage 2 water rationing.* Whenever the estimated demands on the system exceed the estimated supply (storage, well capacity and surface flows) such that it appears that there will be a substantial shortage of water during the next two (2) month period, the city manager shall have the authority to impose Stage 2 water rationing. The following requirements will be in effect:
- a. The city manager will make public announcements through the print and broadcast media that Stage 2 is in effect. The announcements will include a description of the rationing restrictions.
  - b. The city commission shall be called into emergency session in accordance with the current open meetings resolution after the imposition of Stage 2 to consider ratifying the city manager's action or to amend or lift the Stage 2 water rationing as circumstances warrant.
  - c. Use of water through a sprinkler system or use of water through a hose to water any grass, trees, plants or other vegetation shall be determined as follows:
    - 1. Users with odd numbered addresses shall be permitted to use water in the above manner on each Friday.
    - 2. Users with even numbered addresses shall be permitted to use water in the above manner on each Tuesday.
    - 3. Watering in the above manner shall be prohibited between the hours of 8 a.m. and 8 p.m.
  - d. These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees, or shrubs and shall be followed at all parks and public buildings which are watered with treated water. Areas watered with reclaimed or private well water are exempt from these restrictions.
  - e. No water shall be used to wash any vehicle except at places of business where autos are washed on every business day either with attendants, with automatic equipment or by self service.
  - f. Surcharges:
    - 1. For all water used in Tier 2, a surcharge equal to and in addition to the in-city commodity rate for Tier 2.
    - 2. For all water used in Tier 3, a surcharge equal to and in addition to the in-city commodity rate for Tier 3.
    - 3. For all water used in Tier 4, a surcharge equal to and in addition to the in-city commodity rate for Tier 4.
    - 4. For all water used in Tier 5, a surcharge equal to and in addition to the in-city commodity rate for Tier 5.

These surcharges shall be instituted at the earliest possible date and remain in effect until water rationing is no longer required.

- (3) *Stage 3 water rationing.* Whenever the estimated demands on the system exceed the estimated supply (storage, well capacity and surface flows) such that it appears that there will be a substantial shortage of water during the next twenty-day period, the city commission finds that the city is in a state of emergency and the following measures are

necessary to protect the health and welfare of the citizens. The city manager shall have the authority to impose Stage 3 water rationing. The following requirements will be in effect:

- a. The city manager will make public announcements in the print and broadcast media that Stage 3 water rationing is in effect. The announcements will include a description of the provisions in effect.
  - b. The city commission shall be called into emergency session in accordance with the current open meetings resolution after the imposition of Stage 3 to consider ratifying the city manager's action or amend or lift the Stage 3 water rationing as circumstances warrant.
  - c. Use of treated water through a sprinkler system or use of treated water through a hose to water any grass, trees, plants or other vegetation shall be prohibited.
  - d. All watering of grass, trees, plants or other vegetation at all parks and public buildings owned by the city which are watered using treated water shall be prohibited. Areas watered with reclaimed or private well water are exempt from these restrictions.
  - e. No treated water shall be used to wash any vehicle except at places of business where autos are washed on every business day either with attendants, with automatic equipment or by self service. Such operations shall be limited to ten (10) hours per day, with the owner/operator to publicly post operating hours where visible to the general public.
  - f. No swimming pools will be filled with treated water and no treated water shall be added to any swimming pool. Indoor pools used for medical or rehabilitative purposes shall be exempt from this section. The public pool at the family recreation center shall be exempt from this section.
  - g. It shall be the policy of the city of Alamogordo to keep Stage 3 in effect for no longer than absolutely necessary. The city manager and the city commission shall take steps to lift the Stage 3 restrictions as soon as lifting the restrictions will not endanger the water supply by reducing amounts of water in storage.
- (4) The city manager will make written reports to the city commission at every regular city commission meeting (including emergency sessions called under this section) while water rationing is in effect. The city manager will make weekly written reports to the city commission while Stage 3 water rationing is in effect.

*(Ord. No. 919, 7-26-94; Ord. No. 948, § 3, 6-13-95; Ord. No. 1008, 4-8-97; Ord. No. 1169, § 3, 2-11-03; Ord. No. 1175, 3-25-03; Ord. No. 1204, § 1, 6-22-04)*

### **28-03-036. - Exceptions to enforcement.**

The following shall constitute exceptions from compliance with the provisions of this chapter:

1. The water is the result of natural events such as rain or snow;
2. The flow is a result of temporary failures or malfunctions of the water supply system;
3. The flow is a result of water used for firefighting purposes including the inspection and pressure testing of fire hydrants or the use of water for firefighting training activities;
4. The use of water is required for the control of dust or the compaction of soil as may be required by the City Code.
5. The water is used to wash down areas where flammable or otherwise hazardous material has been spilled and creates a dangerous condition;
6. The water is used to prevent or abate public health, safety or accident hazards when

- alternate methods are not available;
7. The water is used for routine inspection or maintenance of the water supply system;
  8. The water is used to facilitate construction within public right-of-way in accordance with the requirements of the city and good construction practices;
  9. The use of water is permitted under the terms of a permit granted by the City Manager;
  10. The water is used for street sweeping, sewer maintenance or other established utility and public works practice;
  11. Watering contrary to the even/odd watering requirements under this chapter and from the time of day watering requirements of this chapter may be permissible for one (1) day only where application of chemicals requires immediate watering to preserve an existing lawn. In cases of commercial application, a receipt from a commercial lawn treatment company indicating the date of treatment, the address of the property treated, the name and address of the commercial contractor, and the chemical treatment required shall constitute evidence that the owner or person responsible for the property is entitled to this exception. Where treatment with a noncommercial application of chemicals requires immediate watering to preserve an existing lawn, the owner or person responsible for the property must contact the city manager prior to the application of chemicals and provide evidence satisfactory to the manager for approval of this exception.

(Ord. No. 1189 § 4, 11-1-03)

### **28-03-037. - City manager's authority to restrict water use.**

During periods of unusual circumstances, such as, but not limited to drought or other interruptions to the supply of available water. The city manager may establish restrictions on the outdoor use of water that are more restrictive than established in this article. If the city manager takes such action, 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. If approved or approved as modified, such approval shall be made by commission resolution specifically setting forth the provisions of the restriction in full and published in a newspaper of general circulation in the city after adoption. The city manager shall take such other steps as seems to him most effective to inform the public.

(Ord. No. 1186 § 2, 10-11-03 Ord. No. 1204 § 2, 6-22-04)

### **28-03-038. - Fees and penalties for noncompliance.**

- (a) Each account holder is responsible for the control and use of water received through the city water meter. Each and every transgression of use of water from this article shall result in a surcharge of:
  - For the first transgression within any thirty-day period .....\$25.00
  - For the second transgression within any thirty-day period .....50.00
  - For the third transgression within any thirty-day period .....75.00
  - For each additional transgression within any thirty-day period .....100.00

For a fifth or subsequent noncompliance with this article or a flagrant violation, a public safety officer may elect to proceed under paragraph (d) of this section rather than this paragraph.
- (b) Any account holder receiving a surcharge under this section must pay any and all outstanding current charges on the account and then may request a review of the surcharge. The city manager shall establish a procedure for the review, which will include review by multiple

individuals. If the review shows that the transgression was clearly caused by events or circumstances beyond or uncontrollable by the account holder, then the city manager may credit the account for the amount of the surcharge.

- (c) Any code enforcement officer, animal control officer, meter reader or public safety officer who witnesses a transgression of this ordinance will leave notice of the observed transgression at the business or residence where the violation takes place. A duplicate of the notice will be given to the utility billing division which will send notice of the transgression to the account holder, should the account holder have a different address than the address where the violation is observed.
- (d) Any person, firm, or corporation violating any provision of this section shall be fined not more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues in accordance with the general violation provisions of the Code of Ordinances.

*(Ord. No. 1204 § 2.6.22-04)*

### **28-03-040. - Contamination.**

No person shall bathe in or wilfully cast any filth in, or wash any clothes or undergarments, towels or linen in any reservoir or reservoirs, streams, trenches, pipes or drains used in and necessary for the construction, transmission, maintenance or operation of the waterworks system of the city, or in the stream or source from which the water is taken. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

*(Code 1960, § 99-4)*

*State law reference— Authority to establish charges: N.M.S.A. § 10-32-1A*

### **28-03-050. - Meter installation required.**

No water shall be used from any mains or pipes owned or controlled by the city, without a meter having been previously installed by the city. It shall be unlawful for any person to connect onto any city mains or pipes, or use water from such mains or pipes without having notified the city manager or his agent of such intention, and requesting the installation of a meter.

*(Code 1960, § 99-4)*

### **28-03-060. - Billing procedure.**

- (a) Water bills shall be prepared and posted on a cycle billing system, whereby each water user is billed each thirty (30) days for water provided such user in the preceding thirty-day period.
- (b) Payment is due and payable fifteen (15) days from the billing date, and is considered delinquent if not paid within ten (10) days from the due date. A final cut off notice will be mailed on the twenty-first day from the billing date stating services will be disconnected in ten (10) days if the bill is not paid in full.
- (c) If the payment for water, sewer or residential garbage collection fees, or any combined billing, is not made within ten (10) days from the due date, the water service may be discontinued and shall not again be supplied to the person liable for the payment until the total bill, with interest, penalties and reconnect fee, have been fully paid.
- (d) The reconnection fee for water service is twenty-nine dollars and thirty-five cents (\$29.35). This charge is for the labor of disconnection and reconnection, plus the necessary special accounting involved in handling the delinquent account.
- (e) Any unpaid charge for water, sewer or garbage collection services is a lien upon the property

served by such services and is superior to all other liens except general property taxes and those liens given priority equal to that of general property taxes, unless the owner has filed a city notarized form releasing owner of responsibility. This document must be filed with the city utility billing and legal departments at the time the tenant applies for utility services. This form cannot be retroactive. If a property owner files this form, the deposit for the tenant shall be as provided by ordinance.

(Code 1960, § 9-9-5; Ord. No. 514, 5-14-74; Ord. No. 574, § 1, 4-24-84; Ord. No. 913, 6-14-94; Ord. No. 939, 3-13-95; Ord. No. 972, 4-9-96; Ord. No. 1010, 4-19-97; Ord. No. 1027, § 1, 1-13-98; Ord. No. 1034, 6-9-98; Ord. No. 1129, § 1, 12-11-01)

### **28-03-070. - Sales outside city limits.**

- (a) **Contracts:** The city manager is hereby authorized on behalf of the city, to enter into such contracts as may be approved by the city commission for the sale of surplus water with property owners whose lands are located outside the city limits, and which property owners desire to receive city water for domestic purposes only; provided, however, that, such sale of surplus waters shall be limited to the area within 100 feet of a potable or non-potable water main. In the event of a water shortage, the water users outside of the city limits shall be the first to have city water services adjusted or terminated as the situation requires, and any contract for the sale of surplus waters shall contain an express provision therefor.
- (b) **Rates:** The landowners who shall enter into the above contract with the city shall be required to pay twice the rates and/or charges of water users for commensurate services when furnished within the city limits, for all necessary labor, materials, appurtenances, water meters, water usage, water tap and any permits which are necessary under the above contract and laws of the city. The payments which may be due hereunder shall be made to the city manager or his agent, prior to the time of installation for the commencing of such work. Notwithstanding the foregoing, the city shall have the right to enter into such contracts as may be approved by the city commission for the sale of surplus water to military users and to nonprofit educational, scientific, charitable, civic and similar organizations who desire water for domestic purposes and whose lands are located outside the city limits, at the same rates and/or charges made for such water services to lands located within the city limits.
- (c) **Availability:** It shall be the duty of the city manager or his agent, to confer with property owners whose lands are located outside the city limits and who wish to make application for usage of surplus water under the terms of contracts herein provided for, and the city manager or his agent shall determine if it is feasible to furnish such persons with surplus water, and if so, he shall receive their applications for water and convey such applications to the city commission along with his recommendations as to the availability of surplus water and as to the feasibility of furnishing such surplus water, if any be available, to the person making application.

(Code 1960, § 9-9-6; Ord. No. 514, 5-14-74; Ord. No. 527, 6-10-75; Ord. No. 872 § 2; Ord. No. 1396, 4-12-11)

### **28-03-080. - Rates.**

The water rates for users of the municipal water supply of the city shall be as follows:

- (1) Effective the first billing cycle as noted below.
- a. Customer charges for household uses:  
Effective February 1, 2011:

Meter Size	Customer Charge
<1	\$13.00

1	18.25
1½	27.35

Effective February 1, 2012:

Meter Size	Customer Charge
<1	\$13.15
1	18.60
1½	27.90

Commodity charge:

1. Effective February 1, 2010, all household users of water shall pay one dollar and thirty cents (\$1.30) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size.

Meter Size (inches)	Tier CF of Water
<1	1,500
1	2,000
1½	3,000

- c. Effective February 1, 2010, any household user exceeding the tier allotment for the user's meter size shall pay two dollars and ten cents (\$2.10) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	3,000
1	4,000
1½	5,000

- d. Effective February 1, 2010, any household user exceeding the level in subsection c., shall pay three dollars and thirty cents (\$3.30) for each one hundred (100) cubic feet of water used up to the following levels.

Meter Size (inches)	Tier CF of Water
<1	4,000
1	5,000
1½	6,000

- e. Effective February 1, 2010, any household user exceeding the level in subsection d. shall pay five dollars twenty-five cents (\$5.25) per one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	5,000
1	6,000
1½	7,000

- f. 1. Effective February 1, 2010, any household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used.
- (2) Effective the first billing cycle as noted below:
- a. Customer charges for non-household uses:  
Effective February 1, 2011:

Meter Size	Customer Charge
<1	\$ 16.00
1	44.70
1½	72.50
2	93.40
3	195.10
4	271.75
6 >	475.20

Effective February 1, 2012:

Meter Size	Customer Charge
<1	\$ 16.30
1	45.60
1½	73.95
2	95.30
3	199.00
4	277.20
6 >	484.70

- b. Commodity charge:
1. Effective February 1, 2010, all non-household users of water shall pay one dollar and thirty cents (\$1.30) per one hundred (100) cubic feet of water used per month after the first billing up to the amounts listed below for the appropriate meter size.

Meter Size (inches)	Tier CF of Water
<1	1,500
1	4,500
1½	7,500
2	12,000
3	21,000
4	24,000
6	45,000

- c. Effective February 1, 2010, any non-household user exceeding the tier allotment for the user's meter size shall pay two dollars and ten cents (\$2.10) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	3,000
1	7,500
1½	12,500
2	20,000
3	35,000
4	40,000
6	75,000

- d. Effective February 1, 2010, any non-household user exceeding the level in subsection c., shall pay three dollars and thirty cents (\$3.30) for each one hundred (100) cubic feet of water used up to the following levels.

Meter Size (inches)	Tier CF of Water
<1	4,000
1	8,500
1½	13,500
2	21,000
3	36,000
4	41,000
6	76,000

- e. Effective February 1, 2010, any non-household user exceeding the level in subsection d. shall pay five dollars and twenty-five cents (\$5.25) per one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	5,000

1	9,500
1½	14,500
2	22,000
3	37,000
4	42,000
6	77,000

- f. 1. Effective February 1, 2010, any non-household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used.
- (3) Multi-unit residences are those places with more than one (1) dwelling units, each of which is generally rented to one (1) tenant for more than thirty (30) days at a time (i.e. trailer courts and apartment buildings). Any owner of a multi-unit residence may opt to modify the water rates charged in this section as follows:
- a. Customer charges: After February 1, 2004, the charge will be the same as the charge for a less than one inch customer charge.
- b. The commodity rate will then be the quantity in the less than one-inch tier times the number of units. Owners of multi-unit residences are required to enter into a written agreement with the city to utilize this method of billing. This election may be made once in each calendar year. Adjustments may only be made in December. Any owner who does not enter a new agreement during December, will remain at the previously chosen rate for the following year.
- (4) Users outside the city limits: For all users of the municipal water supply which are located outside the city limits of the city, the rate shall be two (2) times the monthly customer and commodity charge.

Thereafter, on February 1 of each year, the charge/rate shall be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average for the month of June (Index base period: December 1996=100), unless said charge/rate is modified by subsequent resolution.

The city manager shall review the above rates annually and make recommendations for any changes to the city commission, not less than ninety (90) days before the submission of the annual budget. Any changes shall be effected by a duly approved ordinance setting forth the amended rates.

*(Code 1960 § 9-9-7; Ord. No. 594, § 1, 8-21-79; Ord. No. 598, § 2, 12-1-79; Ord. No. 615-80 § 1, 11-11-80; Ord. No. 649-82, 12-14-82; Ord. No. 654, 6-14-83; Ord. No. 872 § 3, Ord. No. 913, 6-14-94; Ord. No. 939, 3-13-95; Ord. No. 1034, 6-9-98; Ord. No. 1059 § 2, 4-13-99; Ord. No. 1089, § 2, 4-11-00; Ord. No. 1106, 1-9-01; Ord. No. 1129, § 2, 12-11-01; Ord. No. 1153, § 1, 5-28-02; Ord. No. 1168, § 3, 12-19-02; Ord. No. 1199, § 3, 4-13-04; Ord. No. 1224 § 1, 11-23-04; Ord. No. 1288, § 2, 1-9-07; Ord. No. 1348, § 2, 12-16-08; Ord. No. 1392 § 2, 1-11-11; Ord. No. 1395, 4-26-11)*

### **28-03-085. - Ancillary charges for nonroutine services.**

The following ancillary charges are intended to defray costs of special, non-routine services provided to users of the Alamogordo water system:

1. Late fee per customer if payment of water charges is more than twenty-five (25) days past due .....\$10.00
2. Service calls (Monday—Friday, 8:00 a.m.—4:30 p.m.) .....32.00  
Service calls during all other times .....64.00
3. New application or transfer of service .....25.00
4. Meter installation varies based on actual cost which includes parts mark-up.
5. Administrative connection charge (connection charge) will be charged according to the cost of the particular situation.
6. Administrative fee for all liens filed .....200.00
7. Processing fee (active delinquent accounts) .....31.00
8. Disconnection fee current water and sewer base rate multiplied by 24 as adjusted for meter size.

If the customer does not wish to pay the monthly minimum distribution charge, the user will be required to disconnect from the city water system. The city will recognize the user as removed, once all work has been completed by the city. The property owner will be required to pay the fee of the current water and sewer base rate multiplied by 24 as adjusted for meter size before the work order will be processed. Only the property owner, or his attorney in fact authorized to deal with the property, may order such disconnection.

*(Ord. No. 913 6-14-94, Ord. No. 939 3-13-95, Ord. No. 972 1-9-96, Ord. No. 1010 4-8-97, Ord. No. 1034 6-9-98, Ord. No. 1059 § 4 13-99, Ord. No. 1095 6-27-00, Ord. No. 1129 § 3 12-11-01, Ord. No. 1146 5-14-02, Ord. No. 1168 § 4 12-19-02, Ord. No. 1199 § 4 4-13-04, Ord. No. 1208 § 2 4-13-04, Ord. No. 1210 8-24-04, Ord. No. 1348 § 4 12-16-08, Ord. No. 1351 § 1 2-23-09)*

### **28-03-087. - Abatement of penalties and late fees.**

Any person who incurs a penalty or late fee in the payment of a regularly charged utility bill to the city by reason of activation or deployment in the armed services of the United States may request that the penalty or late fee be waived. Waiver of the fees or penalties is dependent upon the requesting party showing adequate proof of activation or deployment. Any fee or penalty to be waived must have occurred in the billing period immediately preceding the activation or deployment.

*(Ord. No. 1127 11-13-01)*

### **28-03-090. - Line tapping and meter setting fees.**

For tapping the main water line of the city, extending the line from the main line to the water meter, installing the water meter cover and water meter, and any other materials that are incidental to complete the installation of a water meter, excepting the charge for cutting and replacing pavement, the following fees shall be paid in advance of installation:

- (a) For water meters installed inside the city limits, the user shall pay to the city the cost of the meter and materials, plus the cost of all labor involved in setting and installing its meter, plus all administrative fees incurred by the city.
- (b) For water meters installed outside the city limits, the user shall pay to the city twice the actual cost of the meter and materials, plus twice the cost of all labor involved in setting and installing the meter, plus twice all administrative fees.
- (c) If the pavement is cut to install any water meter, or sewer tap, a fee of three dollars (\$3.00) per square foot shall be added to any other costs, regardless of whether the water meter, or sewer tap, is installed inside or outside the city limits, to pay for the

replacement of such paving. Such installations requiring cutting and replacement of paving shall conform to the following:

- (1) When it is necessary to cut existing asphalt paving, permission shall first be obtained from the public works director or his authorized agent. The cut shall be made in a neat and workmanlike manner. After the cut has been made, work shall progress as rapidly as possible, so that the cut section will not be open any longer than absolutely necessary.
- (2) Cutting of asphaltic paving shall be done in such a manner as to maintain straight, smooth lines the full length of the cut. The edges of the cut shall be vertical, and the cut shall extend through the full depth of the paving to prevent "breakouts" into the paving which is intended to be undisturbed.
- (3) Asphaltic paving shall be cut with a power saw, pneumatic chisel, or by alternate methods if approved by the public works director.
- (4) Before existing pavement is cut, traffic control markers, and street blocks shall be erected to direct the traffic safely around the area of work. Oil burning flares or approved equal shall be lighted and left on the job site during the nighttime hours. Flares shall be sufficient in number and brilliance, and placed in such a way as to adequately warn motorists of the construction location.

*(Code 1960 § 9-9-8 Ord No 592, § 1 B 21-79)*

### **28-03-100. - Deposit.**

- (a) The following deposits shall be paid by the applicant for water and sewer service at the time of application for service, for the purpose of a guarantee of payment of accounts and damages to service connections or meters:
  - (1) Residential accounts billed to owner .....\$ 70.00
  - (2) Residential accounts billed to renters .....140.00
    - a. Residential accounts billed to renters after receipt of owner's notarized release form .....210.00
  - (3) Commercial/business accounts deposit .....150.00
  - (4) Hydrant meter deposit .....815.00
  - (5) Accounts outside city billed to owner .....70.00
  - (6) Accounts outside city billed to renters .....140.00
    - a. Accounts outside city billed to renters after receipt of owner's notarized release form .....210.00
- (b) If the homeowner has established satisfactory credit under rules and regulations established by the city treasurer, the deposit shall be applied to the homeowner's account. The renter's deposit will be held until the account is finalized out. The rules and regulations shall be effective upon approval by the city commission.
- (c) If the customer has established satisfactory credit, the deposit plus final bill charges will be transferred to a new location at the customer's request.

*(Code 1960, § 9-9-9; Ord No 674, § 2, 4-24-84; Ord No 913, 6-14-94; Ord No 939, 3-13-95; Ord No 972, 4-9-96; Ord No 1010, 4-19-97; Ord No 1027, § 2, 1-13-98; Ord No 1034, 6-9-98; Ord No 1095, § 2, 6-27-00; Ord No 1129, § 4, 12-11-01; Ord No 1168, § 5, 12-19-02; Ord No 1199, § 6, 4-13-04; Ord No 1348, § 5, 12-16-08)*

### **28-03-110. - No free service.**

No free service shall be allowed, and, to the extent that the city or any of its agencies or instrumentalities avail themselves of the service and facilities provided by the water system, they shall

pay therefor the rates and charges herein prescribed.

*(Code 1960 § 9-9.10)*

### **28-03-120. - Testing of meters.**

- (a) Any utility customer who feels that a water meter is not registering accurately may request to have his or her water meter tested. The written request must be submitted to the city's utility billing department and must be accompanied by a testing fee. The testing fee will be established by the utility billing department based on the cost of the current certified laboratory fee for the meter size being tested.
- (b) Upon request, a water meter will be tested by a certified laboratory. If the meter registers more than five (5) percent high, the city will replace the meter, refund the meter testing fee, and adjust the contested monthly water bill if appropriate. If the meter is found to be accurate within five (5) percent, or if the meter is slow, the city shall reinstall a meter and no refund of the meter testing fee will be made.

*(Code 1960 § 9-9.11 Ord No 514 5-14-74 Ord No 748 2-14-89 Ord No 913 6-14-94 Ord No 939 7-11-95 Ord No 1010 4-8-97 Ord No 1034 6-9-98 Ord No 1095 § 3, 6-27-00 Ord No 1351 § 2, 2-2-09)*

### **28-03-130. - System development fee.**

Every application for final approval of a new subdivision within the city shall be accompanied by a system development fee. The system development fee shall be set by the city commission by resolution and shall be based on gross acreage within the proposed subdivision or replat. If the subdivision fails to receive final approval, the system development fee shall be returned to the applicant.

*(Ord No 764 § 1 7-11-89)*

*Cross reference— Subdivision regulations, Ch 22*

### **28-03-140. - Capital contribution fee.**

Each application for new water service where none has previously been provided shall be accompanied by a capital contribution fee. The capital contribution fee shall be established by resolution of the city commission and shall be returned to the applicant if new service is denied.

*(Ord No 764 § 2, 7-11-89)*

### **28-03-150. - Maintenance and repair of service lines.**

City is responsible for the maintenance and repair of the service lines from the city's water main to and including the water meter and meter yoke. A property owner is responsible for the maintenance and repair of service lines connecting his building to the city water system at the outlet of the meter yoke. A property owner is also responsible for any water damage to public property, such as damage resulting from causes including, but not limited to, leaks or collapses of service lines and run-off or discharge of water. The property owner shall also be responsible for the cost and expense of the installation, repair and testing of any devices required by the city including, but not limited to, backflow preventers and cross-connection devices. Upon failure of a property owner to comply with the provisions hereof, written notice by the city director of public works or city building inspector shall be given demanding that maintenance or repair be made within thirty (30) days from the date of such notice. Upon failure to comply with such notice, then and in that event, the city shall have the power and the authority to maintain or repair, the cost and expense of which shall be liened

against any such property.

*(Ord. No. 881, § 12-10-91)*

# *Ordinances To be codified*

**Includes:**

**Ordinance 1428**

**Ordinance 1431**

**Ordinance 1459**

**Ordinance 1467**

**ORDINANCE NO. 1428**  
**AMENDING SECTIONS 28-03-034 AND 28-03-150 OF CHAPTER 28 OF THE**  
**ALAMOGORDO CODE OF ORDINANCES, WATER, SEWERS AND SEWAGE**  
**DISPOSAL**

**BE IT ORDAINED** by the City Commission of the City of Alamogordo, New Mexico, as follows:

**SECTION 1: PURPOSE.** The purpose of this ordinance is to prohibit water waste due to unattended open hoses, broken irrigation heads or lines, plumbing leaks, and excessive irrigation running off property or spraying on sidewalks or gutters.

**SECTION 2:** Section 28-03-034 of Chapter 28 of the Alamogordo Code of Ordinances is hereby amended to read as follows:

**28-03-034. - Nonessential water use restrictions.**

1. The following restrictions shall apply to all customers of or persons who use or receive treated water from the city: The use of a free-flowing hose to wash any vehicle is prohibited. Vehicles may be washed only from a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. This prohibition also includes the operation of vehicle washes such as fund-raisers held at commercial businesses. Mechanical commercial car washes are permitted.

2. "Wasting water" is prohibited. The following practices are wasting water:

(a) Using treated water for any purpose in such a way that it flows, sprays, or is otherwise excessively discharged upon any street, alley or other public right-of-way, ditch or drain;

(b) Failure to repair a leak, break, or malfunction within the water customer's plumbing or distribution system which results in excess use, loss or escape of water through the leak, break, or malfunction for any period of time beyond which such a leak, break, or malfunction should reasonably have been repaired or corrected.

(c) The Director of Utilities may issue a written warning to anyone who violates sections 2(a) or 2(b). If a customer or person who uses or receives treated water from the city does not correct the violation within seven (7) calendar days of notification, or such other time as specified by the Director, the City may disconnect water service. Any customer or person whose service is disconnected may appeal the decision in writing to the City Commission. The written appeal request shall set forth in detail (1) the specific relief requested, and (2) the reason(s) that the customer or other person believes that the determination to disconnect made by the Director was arbitrary or capricious.

The City Commission shall consider such appeal at its next regularly scheduled Commission meeting.

3. New or replacement bleeder lines from evaporative coolers shall not be larger than one-eighth-inch inside diameter. Bleeder lines shall not be routed into the sewer system when the discharge can be used to water landscaping or other outdoor vegetation, except where an exception has been granted by the city manager.

**SECTION 3:** Section 28-03-150 of Chapter 28 of the Alamogordo Code of Ordinances is hereby amended by striking the following:

**28-03-150. - Maintenance and repair of service lines.**

City is responsible for the maintenance and repair of the service lines from the city's water main to and including the water meter and meter yoke. A property owner is responsible for the maintenance and repair of service lines connecting his building to the city water system at the outlet of the meter yoke. A property owner is also responsible for any water damage to public property, such as damage resulting from causes including, but not limited to, leaks or collapses of service lines and run-off or discharge of water.

**SECTION 4: REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5: SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

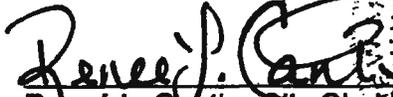
**SECTION 6: EFFECTIVE DATE.** This ordinance shall be effective upon its passage, approval, and publication as provided by law.

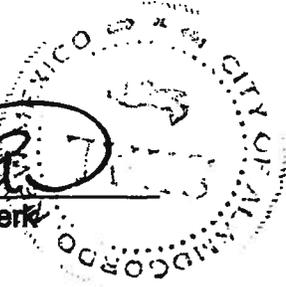
**PASSED, APPROVED AND ADOPTED** this 18<sup>th</sup> day of December, 2012.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By:   
Sisie Galea, Mayor

ATTEST:

  
Renee L. Cantin, City Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen P. Thies, City Attorney

**First publication approval: 11/20/2012**  
**First publication: 12/4/2012**  
**Final publication approval: 12/18/2012**  
**Final publication: 12/23/2012**  
**Effective date: 12/28/2012**

**ORDINANCE NO. 1431**

**AMENDING SECTIONS 28-02-100 AND 28-03-080 OF THE  
CODE CONCERNING WATER AND SEWER RATES**

**WHEREAS**, the City of Alamogordo operates a water system to provide potable water for the use of the City's residents; and,

**WHEREAS**, City staff has conducted the annual review of the water and sewer rate structure; and,

**WHEREAS**, City staff is proposing a rate increase based on the long range forecast for the Water and Sewer Fund; and,

**WHEREAS**, City staff is recommending the rate increases to be implemented over a two-year period to ease the burden on ratepayers; and,

**WHEREAS**, the City Commission deems it to be prudent to adjust rates so that it may appropriately operate the system.

**BE IT THEREFORE ORDAINED** by the City Commission of the City of Alamogordo, New Mexico that the *Code of Ordinances* be amended to read as follows:

**SECTION ONE**

**28-02-100. Service charge--Charges.**

The city shall charge and collect from all users of the sanitary sewage system, for the use thereof, a monthly service charge. Said charge is composed of two components; a customer charge, and a commodity charge, both of which are calculated in the manner specified below:

- (1) Effective the first billing cycle as noted below:
  - a. Customer charges: For each water meter the monthly customer charge shall be as follows:

Effective February 1, 2013:

Meter Size	Customer Charge
<1	\$13.60
1	19.15
1½	25.50
2	47.20
3	161.70
4	209.50
6	320.25

Effective February 1, 2014:

Meter Size	Customer Charge
<1	\$13.90
1	19.55
1½	26.00
2	48.15
3	164.95
4	213.70
6	326.65

b. **Commodity charge:** Effective the first billing cycle after February 1, 2013, the commodity charge shall be one dollar and fifteen cents (\$1.15) for each one hundred (100) cubic feet of water used per month and effective the first billing cycle after February 1, 2014, the commodity charge shall be one dollar and twenty cents (\$1.20) for each one hundred (100) cubic feet of water used per month as follows:

1. For residential and multi-unit dwellings with not more than four units, the monthly usage will be calculated by taking the average use during the two consecutive billing cycles between November 15 and February 15 times nine-tenths (0.90). This average will be applied for the following twelve (12) months and will be adjusted annually based upon the actual usage in the preceding year.
2. For all other types of users, the monthly charge shall be calculated by taking the amount of water used in each month times nine-tenths (0.90).
3. Water accounts which are used exclusively for irrigation purposes shall not be charged any fee under this section.
4. The city manager may, upon being presented proof that nine-tenths (0.90) of the water consumed by a business does not enter the sanitary sewer system, nor being deposited upon any public property, enter into an agreement with that party to reduce the monthly charge below nine-tenths (0.90) of the water. Such agreements must be approved by the commission before becoming effective.

c. **Septage charge:** Users of the city sanitary sewer system who introduce hauled wastes (as defined by section 28-02-140) into the city system shall pay a charge of twenty cents (\$0.20) per gallon of hauled wastes dumped. Said charges shall be payable monthly.

(2) **Users outside the city limits:** For all users of the city sanitary sewer system who are located outside the city limits, the rate shall be two (2) times the rates specified above.

Thereafter, on February 1 of each year, the charge/rate shall be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average for the month of June (Index base period: December 1996=100), unless said charge/rate is modified by subsequent resolution.

The city manager shall review the above rates annually and make recommendations for any changes to the city commission, not less than ninety (90) days before the submission of the annual budget. Any changes shall be implemented by a duly approved ordinance setting forth the amended rates.

## **SECTION TWO**

### **28-03-080. Rates.**

The water rates for users of the municipal water supply of the city shall be as follows:

- (1) Effective the first billing cycle as noted below.  
 a. Customer charges for household uses:

Effective February 1, 2013:

Meter Size	Customer Charge
<1	\$13.30
1	19.00
1½	28.45

Effective February 1, 2014:

Meter Size	Customer Charge
<1	\$13.45
1	19.40
1½	29.00

Commodity charge:

b. Effective February 1, 2013, all household users of water shall pay one dollar and thirty-five cents (\$1.35) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size. Effective February 1, 2014, all household users of water shall pay one dollar and forty cents (\$1.40) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size.

Meter Size (inches)	Tier CF of Water
<1	1,500
1	2,000
1 1/2	3,000

c. Effective February 1, 2013, any household user exceeding the tier allotment for the user's meter size shall pay two dollars and fifteen cents (\$2.15) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels: Effective February 1, 2014, any household user exceeding the tier allotment for the user's meter size shall pay two dollars and twenty cents (\$2.20) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	3,000
1	4,000
1 1/2	5,000

d. Effective February 1, 2013, any household user exceeding the level in subsection c., shall pay three dollars and thirty-five cents (\$3.35) for each one hundred (100) cubic feet of water used up to the following levels: Effective February 1, 2014, any household user exceeding the level in subsection c., shall pay three dollars and forty cents (\$3.40) for each one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	4,000
1	5,000
1 1/2	6,000

e. Effective February 1, 2013, any household user exceeding the level in subsection d. shall pay five dollars and thirty cents (\$5.30) per one hundred (100) cubic feet of water used up to the following levels: Effective February 1, 2014, any household user exceeding the level in subsection d. shall pay five dollars and forty cents (\$5.40) per one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	5,000
1	6,000
1 1/2	7,000

f. Effective February 1, 2013, any household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used. Effective February 1, 2014, any household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used.

The water rates for users of the municipal water supply of the city shall be as follows:

- (2) Effective the first billing cycle as noted below:  
a. Customer charges for non-household uses:

Effective February 1, 2013:

Meter Size	Customer Charge
<1	\$16.65
1	46.05
1½	75.45
2	97.20
3	203.00
4	282.75
6 >	494.40

Effective February 1, 2014:

Meter Size	Customer Charge
<1	\$17.00
1	46.50
1½	76.95
2	99.15
3	207.00
4	288.40
6 >	504.30

Commodity charge:

b. Effective February 1, 2013, all non-household users of water shall pay one dollar and thirty-five cents (\$1.35) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size. Effective February 1, 2014, all non-household users of water shall pay one dollar and forty cents (\$1.40)

per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size.

Meter Size (inches)	Tier CF of Water
<1	1,500
1	4,500
1 ½	7,500
2	12,000
3	21,000
4	24,000
6	45,000

c. Effective February 1, 2013, any non-household user exceeding the tier allotment for the user's meter size shall pay two dollars and fifteen cents (\$2.15) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels: Effective February 1, 2014, any non-household user exceeding the tier allotment for the user's meter size shall pay two dollars and twenty cents (\$2.20) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	3,000
1	7,500
1 1/2	12,500
2	20,000
3	35,000
4	40,000
6	75,000

d. Effective February 1, 2013, any non-household user exceeding the level in subsection c., shall pay three dollars and thirty-five cents (\$3.35) for each one hundred (100) cubic feet of water used up to the following levels: Effective February 1, 2014, any non-household user exceeding the level in subsection c., shall pay three dollars and forty cents (\$3.40) for each one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	4,000
1	8,500
1 1/2	13,500
2	21,000
3	36,000
4	41,000
6	76,000

e. Effective February 1, 2013, any non-household user exceeding the level in subsection d. shall pay five dollars and thirty cents (\$5.30) per one hundred (100) cubic feet of water used up to the following levels: Effective February 1, 2014, any non-household user exceeding the level in subsection d. shall pay five dollars and forty cents (\$5.40) per one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	5,000
1	9,500
1 1/2	14,500
2	22,000
3	37,000
4	42,000
6	77,000

f. Effective February 1, 2013, any non-household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used .Effective February 1, 2014, any non-household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used.

(3) Multi-unit residences are those places with more than one (1) dwelling units, each of which is generally rented to one (1) tenant for more than thirty (30) days at a time (i.e. trailer courts and apartment buildings). Any owner of a multi-unit residence may opt to modify the water rates charged in this section as follows:

a. Customer charges: After February 1, 2004, the charge will be the same as the charge for a less than one inch customer charge. That charge will then be applied monthly, for each unit in the residence, based on the number of rental units at the residence (total units, rather than occupied units will be used). Upon reaching an agreement with an owner, the city will verify the number of units available at the residence.

b. The commodity rate will then be the quantity in the less than one-inch tier times the number of units. Owners of multi-unit residences are required to enter into a written agreement with the city to utilize this method of billing. This election may be made once in each calendar year. Adjustments may only be made in December. Any owner who does not enter a new agreement during December, will remain at the previously chosen rate for the following year.

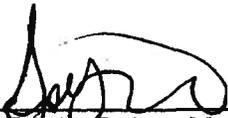
(4) Users outside the city limits: For all users of the municipal water supply which are located outside the city limits of the city, the rate shall be two (2) times the monthly customer and commodity charge.

Thereafter, on February 1 of each year, the charge/rate shall be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average for the month of June (Index base period: December 1996=100), unless said charge/rate is modified by subsequent resolution.

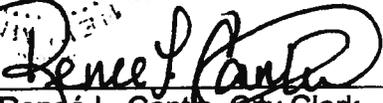
The city manager shall review the above rates annually and make recommendations for any changes to the city commission, not less than ninety (90) days before the submission of the annual budget. Any changes shall be effected by a duly approved ordinance setting forth the amended rates.

DONE this 22<sup>nd</sup> day of January, 2013.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By:   
Susie Galea, Mayor



  
Renee L. Cantin, City Clerk

APPROVED AS TO FORM:

  
Stephen P. Thies, City Attorney

First publication approval: 12/18/2012  
First publication: 12/30/2012  
Final publication approval: 1/22/2013  
Final publication: 1/27/2013  
Effective date: 02/01/2013

## **ORDINANCE NO. 1459**

### **AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ALAMOGORDO, NEW MEXICO, TO CHANGE WHEN UTILITY RATE CHANGES SHOULD BE PRESENTED TO THE CITY COMMISSION**

**WHEREAS**, the City Commission desires to amend Chapter 28 of the Code of Ordinances to change when water and sewer rate changes must be presented to the City Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Alamogordo as follows:

**Section 1.** That the last paragraph of Section 28-02-100 – Service charge – Charges, of the Code of Ordinances of the City of Alamogordo, New Mexico, be amended to read as follows:

The city manager shall review the above rates annually and make recommendations for any changes to the city commission in conjunction with the submission of the annual budget. Any changes shall be implemented by a duly approved ordinance setting forth the amended rates.

**Section 2.** That Section 28-03-080 – Rates, of the Code of Ordinances of the City of Alamogordo, New Mexico, be amended to read as follows:

Users outside the city limits: For all users of the municipal water supply which are located outside the city limits of the city, the rate shall be two (2) times the monthly customer and commodity charge.

Thereafter, on February 1 of each year, the charge/rate shall be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average for the month of June (Index base period: December 1996=100), unless said charge/rate is modified by subsequent resolution.

The city manager shall review the above rates annually and make recommendations for any changes to the city commission in conjunction with the submission of the annual budget. Any changes shall be effected by a duly approved ordinance setting forth the amended rates.

**Section 3.** The provisions of this ordinance are intended to be severable and, should any portion herein be declared null, void, or of not effect, it is the intention of the City Commission that the remainder of the ordinance shall remain in full effect as if the voided portion had not been enacted.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect upon its adoption and publication.

**PASSED, APPROVED AND ADOPTED** this 14<sup>th</sup> day of January, 2014

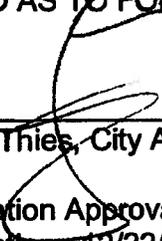
**CITY OF ALAMOGORDO, NEW MEXICO**  
a New Mexico municipal corporation



By:   
Robert Rentschler, Mayor

  
Renee L. Cantin, City Clerk

**APPROVED AS TO FORM:**

  
Stephen P. Thies, City Attorney

First Publication Approval: 12/17/2013  
First Publication: 12/22/2013  
Final Publication Approval: 01/14/2014  
Final Publication: 01/19/2014  
Effective Date: 01/24/2014

**ORDINANCE NO. 1467**

**AMENDING SECTIONS 28-02-100 AND 28-03-080 OF THE  
CODE CONCERNING WATER AND SEWER RATES**

**WHEREAS**, the City of Alamogordo operates a water system to provide potable water for the use of the City's residents; and,

**WHEREAS**, City staff has conducted the annual review of the water and sewer rate structure; and,

**WHEREAS**, City staff is proposing a rate increase based on the long range forecast for the Water and Sewer Fund; and,

**WHEREAS**, City staff is recommending the rate increases to be implemented over a two-year period to ease the burden on ratepayers; and,

**WHEREAS**, the City Commission deems it to be prudent to adjust rates so that it may appropriately operate the system.

**BE IT THEREFORE ORDAINED** by the City Commission of the City of Alamogordo, New Mexico that the *Code of Ordinances* be amended to read as follows:

**SECTION ONE**

**28-02-100. Service charge--Charges.**

The city shall charge and collect from all users of the sanitary sewage system, for the use thereof, a monthly service charge. Said charge is composed of two components; a customer charge, and a commodity charge, both of which are calculated in the manner specified below:

- (1) Effective the first billing cycle as noted below:
  - a. Customer charges: For each water meter the monthly customer charge shall be as follows:

Effective July 1, 2014:

Meter Size	Customer Charge
<1	\$13.60
1	19.15
1½	25.50
2	47.20
3	161.70
4	209.50
6	320.25

Effective July 1, 2015:

Meter Size	Customer Charge
<1	\$13.60
1	19.15
1½	25.50
2	47.20
3	161.70
4	209.50
6	320.25

b. **Commodity charge:** Effective the first billing cycle after July 1, 2014, the commodity charge shall be one dollar and fifteen cents (\$1.15) for each one hundred (100) cubic feet of water used per month as follows: Effective the first billing cycle after July 1, 2015, the commodity charge shall be one dollar and fifteen cents (\$1.15) for each one hundred (100) cubic feet of water used per month as follows:

1. For residential and multi-unit dwellings with not more than four units, the monthly usage will be calculated by taking the average use during the two consecutive billing cycles between November 15 and February 15 times nine-tenths (0.90). This average will be applied for the following twelve (12) months and will be adjusted annually based upon the actual usage in the preceding year.
2. For all other types of users, the monthly charge shall be calculated by taking the amount of water used in each month time's nine-tenths (0.90).
3. Water accounts which are used exclusively for irrigation purposes shall not be charged any fee under this section.
4. The city manager may, upon being presented proof that nine-tenths (0.90) of the water consumed by a business does not enter the sanitary sewer system, nor being deposited upon any public property, enter into an agreement with that party to reduce the monthly charge below nine-tenths (0.90) of the water. Such agreements must be approved by the staff before becoming effective.

c. **Septage charge:** Users of the city sanitary sewer system who introduce hauled wastes (as defined by section 28-02-140) into the city system shall pay a charge of twenty cents (\$0.20) per gallon of hauled wastes dumped. Said charges shall be payable monthly.

(2) **Users outside the city limits:** For all users of the city sanitary sewer system who are located outside the city limits, the rate shall be two (2) times the rates specified above.

Thereafter, on February 1 of each year, the charge/rate shall be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for

the U.S. City Average for the month of June (Index base period: December 1996=100), unless said charge/rate is modified by subsequent resolution.

The city manager shall review the above rates annually and make recommendations for any changes to the city commission in conjunction with the submission of the annual budget. Any changes shall be implemented by a duly approved ordinance setting forth the amended rates.

**SECTION TWO**

**28-03-080. Rates.**

The water rates for users of the municipal water supply of the city shall be as follows:

- (1) Effective the first billing cycle as noted below.
  - a. Customer charges for household uses:

Effective July 1, 2014:

Meter Size	Customer Charge
<1	\$13.60
1	19.40
1½	29.00

Effective July 1, 2015:

Meter Size	Customer Charge
<1	\$13.90
1	19.80
1½	29.60

Commodity charge:

b. Effective July 1, 2014, all household users of water shall pay one dollar and forty cents (\$1.40) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size. Effective July 1, 2015, all household users of water shall pay one dollar and forty-five cents (\$1.45) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size.

Meter Size (inches)	Tier CF of Water
<1	1,500
1	2,000
1 1/2	3,000

c. Effective July 1, 2014, any household user exceeding the tier allotment for the user's meter size shall pay two dollars and twenty-five cents (\$2.25) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels: Effective July 1, 2015, any household user exceeding the tier allotment for the user's meter size shall pay two dollars and thirty-five cents (\$2.35) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	3,000
1	4,000
1 1/2	5,000

d. Effective July 1, 2014, any household user exceeding the level in subsection c., shall pay three dollars and fifty cents (\$3.50) for each one hundred (100) cubic feet of water used up to the following levels: Effective July 1, 2015, any household user exceeding the level in subsection c., shall pay three dollars and sixty-five cents (\$3.65) for each one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	4,000
1	5,000
1 1/2	6,000

e. Effective July 1, 2014, any household user exceeding the level in subsection d. shall pay five dollars and thirty cents (\$5.30) per one hundred (100) cubic feet of water used up to the following levels: Effective July 1, 2015, any household user exceeding the level in subsection d. shall pay five dollars and thirty cents (\$5.30) per one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	5,000
1	6,000
1 1/2	7,000

f. Effective July 1, 2014, any household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used. Effective July 1, 2015, any household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used.

The water rates for users of the municipal water supply of the city shall be as follows:

(2) Effective the first billing cycle as noted below:

a. Customer charges for non-household uses:

Effective July 1, 2014:

Meter Size	Customer Charge
<1	\$17.00
1	47.00
1½	76.95
2	99.15
3	207.00
4	288.40
6 >	504.30

Effective July 1, 2015:

Meter Size	Customer Charge
<1	\$17.35
1	47.95
1½	78.50
2	101.15
3	211.15
4	294.20
6 >	514.40

Commodity charge:

b. Effective July 1, 2014, all non-household users of water shall pay one dollar and forty cents (\$1.40) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size. Effective July 1, 2015, all non-household users of water shall pay one dollar and forty-five cents (\$1.45) per one hundred (100) cubic feet of water used per month up to the amounts listed below for the appropriate meter size.

Meter Size (inches)	Tier CF of Water
<1	1,500
1	4,500
1 ½	7,500
2	12,000
3	21,000
4	24,000
6	45,000

c. Effective July 1, 2014, any non-household user exceeding the tier allotment for the user's meter size shall pay two dollars and twenty-five cents (\$2.25) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels: Effective July 1, 2015, any non-household user exceeding the tier

allotment for the user's meter size shall pay two dollars and thirty-five cents (\$2.35) per one hundred (100) cubic feet of water used in excess of the tier allotment up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	3,000
1	7,500
1 1/2	12,500
2	20,000
3	35,000
4	40,000
6	75,000

d. Effective July 1, 2014, any non-household user exceeding the level in subsection c., shall pay three dollars and fifty cents (\$3.50) for each one hundred (100) cubic feet of water used up to the following levels: Effective February 1, 2013, any non-household user exceeding the level in subsection c., shall pay three dollars and sixty-five cents (\$3.65) for each one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	4,000
1	8,500
1 1/2	13,500
2	21,000
3	36,000
4	41,000
6	76,000

e. Effective July 1, 2014, any non-household user exceeding the level in subsection d. shall pay five dollars and thirty cents (\$5.30) per one hundred (100) cubic feet of water used up to the following levels: Effective July 1, 2015, any non-household user exceeding the level in subsection d. shall pay five dollars and thirty cents (\$5.30) per one hundred (100) cubic feet of water used up to the following levels:

Meter Size (inches)	Tier CF of Water
<1	5,000
1	9,500
1 1/2	14,500
2	22,000
3	37,000
4	42,000
6	77,000

- f. Effective July 1, 2014, any non-household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used.
- g. Effective July 1, 2015, any non-household user exceeding the level in subsection e. shall pay seven dollars and ninety-five cents (\$7.95) per one hundred (100) cubic feet of water used for any additional water used.

(3) Multi-unit residences are those places with more than one (1) dwelling units, each of which is generally rented to one (1) tenant for more than thirty (30) days at a time (i.e. trailer courts and apartment buildings). Any owner of a multi-unit residence may opt to modify the water rates charged in this section as follows:

a. Customer charges: After February 1, 2004, the charge will be the same as the charge for a less than one inch customer charge. That charge will then be applied monthly, for each unit in the residence, based on the number of rental units at the residence (total units, rather than occupied units will be used). Upon reaching an agreement with an owner, the city will verify the number of units available at the residence.

b. The commodity rate will then be the quantity in the less than one-inch tier times the number of units. Owners of multi-unit residences are required to enter into a written agreement with the city to utilize this method of billing. This election may be made once in each calendar year. Adjustments may only be made in December. Any owner, who does not enter a new agreement during December, will remain at the previously chosen rate for the following year.

(4) Users outside the city limits: For all users of the municipal water supply which are located outside the city limits of the city, the rate shall be two (2) times the monthly customer and commodity charge.

Thereafter, on February 1 of each year, the charge/rate shall be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City Average for the month of June (Index base period: December 1996=100), unless said charge/rate is modified by subsequent resolution.

The city manager shall review the above rates annually and make recommendations for any changes to the city commission in conjunction with the submission of the annual budget. Any changes shall be implemented by a duly approved ordinance setting forth the amended rates.

(5) Capital Improvement Fund. Effective July 1, 2014, a Water Capital Improvement Fund is created for the purpose of funding capital projects relating to the City of Alamogordo's water system, specifically, but not limited to rehabilitation, repair, replacement, renovation and creation of water facilities. The Water Capital Improvement Fund shall not be used in conjunction with any street maintenance project or similar program. Funding for the Water Improvement Fund shall be through the

imposition of a monthly Capital Improvement Surcharge of \$1.00 payable by all users of water. The Water Capital Improvement Fund shall be kept and accounted for separately from other funds and used solely for the purposes as set out in this subsection.

DONE this 10<sup>th</sup> day of June, 2014.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

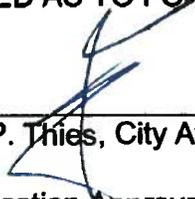


By:

  
Susie Galea, Mayor

  
René L. Cantin, City Clerk

APPROVED AS TO FORM:

  
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