

# **IMPORTANT NOTICE**

On December 19, 2017 the Alamogordo City Commission approved Ordinance No. 1544, **Amending Sections 28-03-005, 28-03-085, and 28-03-100 and adding Section 28-03-082 of the Alamogordo Code of Ordinances regarding water and sewer service.**

Highlights of the changes are:

- 1) Increases subdivision lot exemption to 5 years with possibility of 3 year extension. (Section 28-03-005 (a) (1) & (2))
- 2) Adds language to include original developer, successor or assignee. (Section 28-03-005 (a) (4))
- 3) Adds language that allows lots not in a subdivision and never developed to be removed from paying base rates. (Section 28-03-005 (c))
- 4) Adds language that utility accounts transferred to owner by the City will only be charged the water base rate unless there is recorded water usage. (Section 28-03-005 (b))
- 5) Creates a modified base rate of \$10.00 per month for lot(s)/parcel(s) on which no structure currently exists. (Section 28-03-082)
- 6) Eliminates residential property owner deposit (Section 28-03-100)
- 7) Eliminates commercial property owner deposit (Section 28-03-100)
- 8) Provides mechanism for rental property owners to eliminate the \$25.00 transfer fee (Section 28-03-085 (3)(a))
- 9) Adds \$25.00 per month hydrant meter rental fee. (28-03-085 (10))

The ordinance becomes operative 12/26/2017.

**Changes DO NOT affect utility accounts initiated prior to 12/26/2017.**

Full Text of Ordinance No. 1544 follows:

**ORDINANCE NO. 1544**

**AMENDING SECTIONS 28-03-005, 28-03-085, AND 28-03-100 AND ADDING SECTION 28-03-082 OF THE ALAMOGORDO CODE OF ORDINANCES REGARDING WATER AND SEWER SERVICE**

**WHEREAS**, the City of Alamogordo owns and operates the municipal water and wastewater utility systems; and

**WHEREAS**, the City Commission of the City of Alamogordo is charged with adopting ordinances, regulations and fees to insure the continuing operation, maintenance, repair and expansion of the municipal utility systems; and

**WHEREAS**, the City Commission of the City of Alamogordo finds that certain Sections of Chapter 28 of the Alamogordo Code of Ordinances should be amended to address concerns of municipal utility customers; now

**BE IT ORDAINED** by the City Commission of the City of Alamogordo, New Mexico that Sections 28-03-005, 28-03-100, and 28-03-085 and adding Section 28-03-082 of Chapter 28 of the Code of Ordinances be amended as follows:

**SECTION ONE:**

**28-03-005 - Availability of water and sewer service**

(a) Every property within the municipal boundaries shall be deemed to have water and sewer utility service available if service lines exist from the city water and sewer mains to the property and such properties shall be subject to customer charges and capital improvement charges as set by city commission for the respective services.

(1) New lots within subdivisions (as that term is defined in [chapter 22](#) of the city Code of Ordinances) which have never been sold or otherwise transferred and which remain the property of the original developer shall be exempt from the customer charge and capital improvement charges for a period of five (5) years from the date of acceptance of the subdivision by the city.

(2) Vacant subdivision lots owned by the original developer as of the date of the passage of this ordinance (28-03-005) shall be exempt from customer charges and capital improvement charges for a period of five (5) years.

(3) An application for water meter submitted by any person(s) for lots exempted through this article shall void any and all exemptions and the property owner shall immediately be responsible for all customer charges, capital improvement charges and consumption charges approved by the city commission.

(4) The original developer, successor, or assignee of subdivisions covered by this ordinance may petition the City Commission for an extension of the exemption period

within three (3) months of the termination of an exemption. Any additional time approved by the City Commission shall not exceed three (3) years. No additional exemption shall be granted after the expiration of the original or any extended time period(s).

(b) Utility accounts transferred to the property owner by the City, except those accounts subject to Sec. 28-03-082, shall only be charged the monthly base rate for water, adjusted for meter size.

- (1) All services except for water shall be inactivated.
- (2) Water shall be shut-off at the curb.
- (3) Any recorded usage of water shall result in the activation of all City services and charges until the account is again transferred.

(c) Lot(s)/parcel(s) of land served by the municipal utility and not part of a subdivision as defined in chapter 22 of the city Code of Ordinances on which no structure of any sort exists, or has existed, shall be exempt from the customer charge and capital improvement charges provided the property owner pays all city costs associated with removal of the meter, riser, meter can, etc., and capping of the service line.

- (1) It is incumbent on the property owner to provide proof to the City that the lot/parcel is eligible for the exemption under this section.
- (2) Property owner applying for exemption under this section shall provide a written declaration that there are no plans to develop the property.

## **SECTION TWO:**

### **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 renters ..... 140.00
  - a. Residential accounts billed to renters after receipt of owner's notarized release form ..... 210.00
- (2) Commercial/business accounts billed to renters deposit ..... 150.00
- (3) Hydrant meter deposit ..... 815.00
- (4) 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) The renter's deposit will be held until the account is terminated.

(c) If the homeowner has established satisfactory credit under the rules and regulations established by the Finance Director, the deposit plus final bill charges will be transferred to a new location at the customer's request.

## **SECTION THREE: (Adding new Section 28-03-082)**

**28-03-082. – Modified Base Rate**

Effective the first billing cycle after February 1, 2018, lot(s)/parcel(s) of land served by the municipal utility and not part of a subdivision as defined in chapter 22 of the city Code of Ordinances and on which no structure exists shall be charged a modified monthly base rate of ten dollars (\$10.00).

- a. It is the responsibility of the property owner to identify, in writing, to the City of Alamogordo, Customer Service Division lot(s)/parcel(s) that may qualify for the modified base rate in this section. The modified base rate shall become effective upon written notification from the property owner and in no instance shall the effective date be prior to the date of notification.
- b. If water is used at lot(s)/parcel(s) covered by this section for any purpose the property owner shall be charged the monthly base rate for water and/or sewer as set in section 28-03-080, consumption charges, and all other applicable charges.

**SECTION FOUR:**

**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 city water system:

- (1) Late fee per customer if payment for water, sewer or residential garbage collection fees, or any combined billing is more than ten (10) calendar 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
  - (a) Property owners who submit Statement of Property Ownership form(s) shall not be charged a transfer fee for the properties listed on the form unless terminated for non-payment.
- (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 twenty-four (24) as adjusted for meter size.
- (9) Cut off/turn on fee ..... 32.00
- (10) Monthly rental fee for hydrant meters – to be billed monthly so long as the hydrant meter is in the possession of the customer ... \$25.00

**DONE** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF ALAMOGORDO, NEW MEXICO  
a New Mexico municipal corporation

By: \_\_\_\_\_  
Richard A. Boss, Mayor

ATTEST:

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Rachel Hughs, City Clerk

APPROVED AS TO FORM:

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Petria Schreiber, City Attorney