

## ORDINANCE 2022-04

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## JOINT UTILITIES ORDINANCE - RULES AND REGULATIONS

### TO AMEND SECTION 11 - UTILITY DEPOSITS, RATES & SPECIAL TERMS.

#### Section 1 - Joint Utility Declared

For the best interests of the Village of Mosquero as well as the Utility Customers it serves, the Village-owned water system, sewer system and solid waste service shall be established as a joint public utility system designated as the Village of Mosquero Joint Utility System, and it shall be operated and maintained as such.

#### Section 2 - Separability

If any section, paragraph, clause, or provision of this ordinance shall, for any reason, be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

#### Section 3 - Nonseparable Charges and Services

A. Except as otherwise provided in this ordinance, water, sewer, and solid waste services furnished by the Village are nonseparable services; and the request for the furnishing of one service shall mean the charge and collection, whether used or not, of all other services to appear on the same monthly bill. Similarly, a request for the termination of one such service is declared to be a request for termination of all utility services.

B. When it is not otherwise possible for the Village to furnish all of the nonseparable services for customers residing within Village limits, the furnishing of separate utility services may be permitted provided proper application is submitted at Village Hall, and approval has been granted by the Mayor and approved by the Governing Body. Under these circumstances, the Village shall charge only for the services available.

C. Should approval be granted for one or more utility service to be separated from the nonseparable services, the applicable rates as stated in the rate sections shall be charged and collected for the utilities in use.

#### Section 4 - Utility Service: Application and Deposit Requirements

A. Before utility services shall be supplied to any person, firm or corporation, application for the use of such utility service must be made at Village Hall on printed forms furnished for that purpose. Every such application must be signed by the owner of the property to receive utility services or by his/her designated agent and must state fully and truly the purposes for which the utility services are to be used as

well as the name and address of the person, firm or corporation to be billed for such service.

B. The application shall constitute a contract between the Village of Mosquero to furnish utility service and the applicant to pay the stipulated rates as stated in this ordinance, reserving to the Village of Mosquero the right to enforce and collect rates and penalties as described in this ordinance; to temporarily discontinue service at any time without notice to the consumer for maintenance, repair, conservation or emergency; and further to provide that the utility department of the Village of Mosquero, or the officials or employees thereof; shall not be held responsible for any damages by water or sewage resulting from defective plumbing, broken or faulty service, or the condition of the water itself as delivered to the consumer.

C. Property owners or designated agents of property management shall assume full responsibility for any balance incurred and left unpaid by renters or tenants, and any application for new service at the same address shall not be accepted until the balance is paid in full.

## **Article I. Water Service**

### **1. Water service customers.**

Upon application to the designated Village office, any person over the age of 18, firm, or corporation may make application for use of water provided by the Village. In the event any person, firm, or corporation wishes to use or receive water provided by the Village outside of the Village limits, that person, firm, or corporation shall also make application to the village council setting forth the reasons why the applicant feels service outside the Village limits is necessary or desirable. The village council will review and pass upon the application. If the application is granted, the applicant must then comply with all other requirements set forth in this chapter. In the event of a water emergency as set forth in this section, the Village has the right to disconnect any nonresident customer without recourse. The granting of service to an applicant who seeks service outside the Village limits does not give rise to any right of continued service by the Village.

### **2. Water rate schedule – Residential, Commercial, Governmental and Agricultural.**

Charges and fees for water service customers shall be billed monthly based on the rates established from time to time by resolution of the village council. Water service rates shall be assessed based on the following classifications:

A. Residential rate class consists of those users using water annually for personal use.

B. Commercial rate class consists of those businesses which have their own commercial building and water meter, not part of a residence, and all home-based businesses.

C. Governmental rate class consists of those businesses which have their own Governmental buildings and water meter, not part of a residence.

D. Agricultural rate class consists of water that is used to grow fresh produce and sustain livestock.

E. Once a business is assigned to a rate classification, that classification shall remain in effect unless the Class changes.

### **3. Construction companies.**

All businesses engaged in construction activities shall be classified and charged as commercial users regardless of actual water usage. Water shall be metered and the hours to haul water shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. Companies will then be billed and have 30 days for payment.

### **4. Water meter requirements.**

A. The water distribution system of the Village of Mosquero shall be operated on a completely metered basis. Every separate structure used as a residence or commercial establishment receiving water from the Village's water distribution system shall be provided with a meter connection upon receipt of a completed application and payment of all applicable fees. Multiple connections serving more than one structure from a single meter shall not be permitted. Guesthouses, car garages and RVs are excepted from this requirement, unless they are converted into a permanent residence or commercial establishment or rented out as a residence or commercial establishment. A structure shall be considered a permanent residence if a person resides in the structure for more than six months. In all new construction with multiple connections a water meter shall be installed for each permanent residence. Current water meters with multiple connections shall pay the minimum charge for water, sewer (if applicable) and solid waste for each structure; until such time as the multiple connections are eliminated. The person requesting service shall be solely responsible for the cost of the meter and service line from the water meter to the building. The minimum charge per month, as established from time to time by resolution of the village council, shall be assessed for each additional connection from a single meter receiving water from the Village's distribution system until such time as the multiple connections are eliminated.

B. It is the customer's responsibility to inform the Village when a meter needs to be turned on or off. Unless a work order is made by a Village employee to turn the

meter off, the minimum water charge, as established from time to time by resolution of the village council, will be assessed and due each month, regardless of actual use at the location.

C. A connection/disconnection fee, as established from time to time by resolution of the village council, shall be charged to customers voluntarily requesting that water be turned off or on.

**5. Resale of water prohibited.**

No water delivered to any customer shall be resold for any purpose except as provided by a valid contract entered into with the Village and approved by the village council.

**6. Waste of water prohibited.**

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

**7. Out of Town Water Usage**

Each residence or commercial establishment outside the Village limits must submit a written request to the Village Council for a water line extension. It is an express condition that water be used for domestic and household purposes. This condition does not require the Village to provide a line greater than ¾" inside diameter to users outside Village limits. In addition, the water line owner can have only one water meter per property/household and shall not allow anyone to connect to their water line without the written permission from the Village Council and the water line owner.

**8. Water emergency regulations and restrictions.**

The mayor and/or the village council, by and through the public utilities department, may declare a water service emergency upon a finding and determination, in the Village's sole discretion, that any one of the following conditions exist within the Village of Mosquero:

- A. A general water supply shortage due to increased demand or limited supply.
- B. Distribution or storage facilities of the Village water utility are inadequate to meet demand or minimum quality standards.
- C. A disruption of the supply, storage, and distribution facilities of the Village water utility has occurred.

Upon declaration of a water service emergency, the mayor and/or the village council shall also find that, because of the conditions prevailing in the Village of Mosquero, the general

welfare requires that the Village maximize the beneficial use of its available water resources to the extent to which it is capable, that the prohibition on waste or unreasonable use thereof is necessary to conserve available water resource, and that the beneficial use of the water by the Village in the interest of the citizens of the Village of Mosquero and for the public health, safety and welfare.

#### **9. Application.**

The provisions of Village of Mosquero stated in the previous pages shall apply to all persons, customers and property served by the Village water utility, wherever situated.

#### **10. Authorization.**

A. The mayor and/or the village council is authorized to determine and declare that a water emergency exists in any and/or all parts of the Village of Mosquero or in an area affecting nonresident customers outside the Village limits that is served by the municipal water system, and upon such determination, to promulgate such regulations, rules and conditions relative to the time of using water, the purpose or purposes for which it may be used and such other necessary limitations as will, in the mayor's and/or the village council's opinion, relieve the water shortage in any such section or sections of the water service area.

B. The mayor, or the mayor's designee, following public notice, is hereby authorized and directed to implement the water emergency management plan through the applicable provisions of this ordinance, upon the mayor's and/or the village council's determination that such implementation is necessary to protect the public health, safety and welfare, under the following conditions:

1. In the event of an unforeseeable disaster or water emergency such as an earthquake, or other catastrophic event affecting the Village of Mosquero's surface water supply or other major disruption in the water supply, the village council shall authorize the implementation plans for Stages 3 and 4 of the emergency provisions of this chapter. Public notice will follow enactment of said provision.

2. In the event of a foreseeable water emergency, such as extended drought conditions, the mayor, or the mayor's designee, shall be authorized to implement the applicable provisions of this chapter, upon public notice.

#### **11. Mandatory conservation phase implementation.**

The Village water utility shall monitor the projected supply and demand for water by its customers on a daily basis during periods of emergency or drought and shall recommend to the mayor the extent of the conservation required through the implementation and/or termination of particular conservation stages as set forth herein, to prudently plan and

supply water to its customers. Thereafter, the mayor may order the implementation or termination of the appropriate compliance stage in accordance with the applicable provisions of this chapter. The declaration of any stage beyond Stage 1 shall be made by public announcement and shall be posted in three locations in the Village. The stage of compliance designated shall become effective immediately upon announcement and shall continue in effect until the expiration of the date set forth by the Village upon the declaration of a water emergency if a date is prescribed, or until otherwise terminated by the Village.

## **12. Water emergency management stages.**

A. No customer of the Village of Mosquero water utility shall make, cause, use, or permit the use of water from the Village for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provisions of Village of Mosquero **stated in previous pages**, or in an amount in excess of that permitted by the following water emergency management stages which are in effect pursuant to action taken by the mayor, or the mayor's designee, in accordance with the provisions of this chapter. At no time shall water be wasted or used unreasonably. Unreasonable uses of water shall include but are not limited to the following practices:

1. A customer shall not let water leave the customer's property by drainage onto adjacent properties or public or private roadways or streets due to excessive irrigation and/or uncorrected leaks.
2. A customer will not fail to repair a leak upon initial notification.
3. A customer will not use water to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate safety or sanitation hazards.

### **B. Stages of Compliance.**

1. Stage 1. Voluntary Compliance – Water Watch. Stage 1 applies during periods when the possibility exists that the Village's water utility will not be able to meet all of the water demands of its customers by up to 15 percent of the annual demand projected. All elements of Stage 2 shall apply, on a voluntary basis only, when Stage 1 compliance has been invoked.

2. Stage 2. Mandatory Compliance – Water Alert. Stage 2 applies during periods when the probability exists that the Village of Mosquero water utility will not be able to meet from 16 to 35 percent of the water demands of its customers. The Stage 2 implementation plan is incorporated as Exhibit A, attached to the ordinance codified in this chapter. Upon implementation by



the mayor and publication of notice, the following water conservation measures shall apply, except when reclaimed water is used:

a. Lawn watering and landscape irrigation, including metered construction irrigation, is permitted only during designated hours on designated days as determined by the water utility in the Stage 2 implementation plan. Watering is permitted at any time if:

i. A handheld hose equipped with a positive shut off nozzle is used; or

ii. A handheld container is used; or

iii. A drip irrigation system is used.

b. The washing of automobiles, trucks, trailers, boats and other types of mobile equipment is permitted at any time with a hand-held bucket, or a hand-held hose equipped with a positive shut-off nozzle for quick rinses. Further, such washing is exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as refuse collection and vehicles used to transport food and perishables. However, the Village will encourage the use of recycling systems and other conservation techniques available to the industry.

c. One initial filling shall be allowed for re-circulating pools and spas which were empty prior to the declaration of emergency, or which are new installations. No draining and refilling shall be allowed for the duration of the emergency except as may be permitted by the Village for reasons of health and safety. The filling or refilling of non-recirculation swimming pools and spas is prohibited for the duration of the emergency.

d. Irrigation of parks, school grounds and recreation fields is permitted only during designated hours on designated days as determined by the implementation plan.

e. Use of water from fire hydrants shall be limited to firefighting, related activities or other activities necessary to maintain the health, safety, and welfare of the citizens served by the municipal water system. Metered sales from hydrants for construction and landscape irrigation purposes will be allowed.

f. All restaurants are prohibited from serving water to their customers except when specifically requested by the customer.

g. Water shall not be used to wash down sidewalks, parking area, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.

h. Construction operation receiving water from construction meter or water truck shall not use water unnecessarily for any purpose other than those required by regulatory agencies. Construction projects requiring water for new landscaping materials should adhere to the designated irrigation hours set forth above. Contractors will be required to use reclaimed water for construction and irrigation purposes based on this source being reasonably available.

3. Stage 3. Mandatory Compliance – Water Warning. Stage 3 applies during periods when the Village of Cimarron utility will not be able to meet from 36 to 50 percent of the water demands of its customers. Upon implementation by the village council and publication of notice, the following water conservation measures shall apply except when reclaimed water is used:

a. Lawn watering and landscape irrigation, including with a hand-held hose equipped with a positive shut-off nozzle, is permitted only during designated hours on designated days as determined through approval of the Stage 3 implementation plan by the village council. Watering is permitted at any hour, on any day, if a hand-held container or drip irrigation system is used.

b. The washing of automobiles, trucks, trailers, boats and other types of mobile equipment is permitted only during designated hours on designated days with a hand-held nozzle for quick rinses. Washing is permitted at any time at commercial car washes, provided any such establishments not using partially reclaimed or recycled water shall reduce the volume of water consumption by an amount determined through approval of the Stage 3 implementation plan by the village council. Further, such washing is exempt from these regulations where the health, safety and welfare of the public are contingent upon frequent vehicle cleaning, such as refuse collection trucks and vehicles to transport food and perishables.

c. The filling or refilling of private swimming pools and spas is prohibited, except when this use is for water supply storage.

d. Watering parks, school grounds and recreation fields is permitted only during designated hours on designated days.

e. Use of water from fire hydrants shall be limited to firefighting related activities or other activities necessary to maintain the health, safety, and welfare of the citizens served by the municipal water system. Metered sales from hydrants for construction and landscape irrigation purposes will be allowed.

f. All restaurants are prohibited from serving water to their customers except when specifically requested by the customer.

g. Water shall not be used to wash down sidewalks, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.

h. The number of new construction meters shall not exceed the number authorized through approval of the Stage 3 implementation plan by the village council. Construction projects requiring water unnecessarily for any purpose other than those required by regulatory agencies shall be prohibited. Construction projects requiring water for new landscapes shall adhere to the designated days and times as set forth in the Stage 3 implementation plan. Additional meter(s) beyond that determined in the Stage 3 implementation plan may be allowed under the following conditions:

i. For projects necessary to protect the public's health, safety, and welfare;

ii. When using exclusively reclaimed water for the project;

iii. When the potential recipient of the meter can demonstrate that no net increase in water use will occur; or

iv. Where the potential recipient of the meter provides a conservation offset. For purposes of the section, conservation offset means the implementation of proven conservation techniques which, when installed, will result in a reduction equal to demand of the proposed use. Paying a fee established by the village council in an amount necessary to cover the cost of implementation for such conservation techniques may affect a conservation offset. The fee will be based on the conservation techniques and the conservation offset required

for the equivalent dwelling unit. Such fee shall apply to residential as well as commercial and industrial buildings and may be adjusted from time to time as determined by the village council.

v. The use of water for commercial manufacturing or processing purposes shall be reduced in volume by an amount determined through approval of the Stage 3 implementation plan by the village council.

4. Stage 4. Mandatory Compliance – Water Emergency. Stage 4 applies when a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the federal, state or other water authorities, or the Village water supply, upon which supply the Village water system relies. In addition, if these or other factors lead to a probable shortage in excess of 50 percent of anticipated demand, the Stage 4 implementation plan will be activated. Upon implementation by the mayor and publication of notice, the following measures shall apply except when reclaimed water is used:

a. All outdoor irrigation of turf and ground cover is prohibited with the exception of plant materials classified to be rare, exceptionally valuable or essential to the well-being of the public at large or rare animals. Irrigation of trees and shrubs is permitted only by hand-held hose equipped with a positive shut-off nozzle, hand-held container, or drip irrigation system. Grey water may be used in accordance with regulations to irrigate fruit trees, ground cover and ornamental trees and shrubs. Grey water is defined as household wastewater other than toilet and kitchen sink waste.

b. The washing of automobiles, trucks, trailers, boats and other types of mobile equipment is prohibited. The use of water by all types of commercial car washes shall be prohibited. Further, such washing is exempt from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleanings such as refuse collection trucks, and vehicles used to transport food and perishables.

c. The filling, refilling or adding of water to swimming pools, spas, ponds and artificial lakes is prohibited except where this use is for water supply storage.

d. Use of water from fire hydrants shall be limited to fire fighting and other activities immediate necessary to maintain the health, safety and welfare of the citizens served by the municipal systems.

e. All restaurants are prohibited from serving water to their customers except when specifically requested by the customers.

f. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, except to alleviate immediate fire or sanitation hazards.

g. The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by an amount determined through approval of the Stage 4 implementation plan by the village council.

h. All sales of non-reclaimed water outside of the water service area shall be discontinued, with the exception of sales previously approved for continuance by the village council.

i. No new construction meters will be issued. Construction water shall not be used for earthwork or road construction purposes. Construction projects necessary to maintaining the health, safety and welfare of the public are exempt from these regulations.

j. Stage 4 will continue in force until terminated by declaration of the village council that the conditions resulting in the water emergency have abated.

### **13. Penalty.**

It is unlawful for any person, corporation, or association to violate the provisions of Village of Mosquero ordinance. Violation of these provisions shall be a misdemeanor subject to penalties. The public utilities department may alternatively seek injunctive relief in the district court. In addition to any other remedies, which the public utilities department may have for the enforcement of this chapter, service of water may be discontinued or appropriately limited to any customer who willfully used water in violation of any provisions set forth in Village of Mosquero ordinance.

### **14. Publication of terms of water use.**

Upon such emergency declaration by the village council, it shall be the duty of the administration to give public notice of the extent of the emergency, and the restrictions pertaining to the use and consumption of water. Upon such declaration, proper notice shall

be deemed to have been given to each and every customer supplied with water by the municipal water system upon the posting of this ordinance.

## **Article II. Sewer Service**

### **1. Sewer user rate classifications.**

Charges and fees for sewer service customers shall be billed monthly based on the rates for each user rate classification established from time to time by resolution of the village council. Sewer user rate classifications shall be assigned based on the classification assigned to that user for water service. Rate classes shall include:

- A. Residential rate class.
- B. Commercial rate class.
- C. Governmental rate class.

### **2. Septage disposal.**

The Village does not accept septage originating from any source, including residents of the Village of Mosquero or from nonresidents living outside the Village of Mosquero city limits unless received through a properly installed residential or commercial hook-up under this chapter. Buses, campers, etc. are not permitted to dispose of septage in the Village sewer system or sewer lagoons with exceptions for designated RV Parks and hookups.

### **3. Sewer connection requirements.**

Every separate structure used as a residence or commercial establishment which discharges wastewater into the Village's sewer collection system shall be provided with a separate service line connection to one of the Village's sewer collection mains. Multiple connections serving more than one structure discharging through a common service line into the Village's sewer collection system shall not be permitted unless approved by the village council for a limited and specific purpose.

Separate service lines shall be installed to replace all multiple connections in existence in the Village as deemed necessary by the village council. The Village shall provide the service line from the collection main to the owner's property line at the expense of the Village. A minimum charge per month as established from time to time by resolution of the village council shall be assessed for each additional connection discharging through a common service line into the Village's sewer collection system until such time as the multiple connections are eliminated.

## **Article III. Water and Sewer Lines, Meters, and Facilities**

### **1. Connection procedure.**

A. Applications for new water and sewer connections shall be made to the Village by the owner or agent of the property to be served. The owner of the property is ultimately responsible for any charges billable to that property. The charge for a water connection shall include installation of the meter and meter box and installation of the service line from the water main to the meter. The charge for a sewer connection shall include installation of the service line from the sewer main to the property line.

B. The Village shall own and maintain the meter and the service line from the water main to the meter. The property owner shall own and maintain the service line from the meter to their residence or commercial establishment.

C. Prior to installation of water & sewer lines, residents are responsible for having property surveyed or show proof of a prior survey, so that water & sewer connection is installed at resident's property line.

### **2. Back flow devices.**

As per future requirements by the New Mexico Environmental Department, the Village shall install back flow devices when making a new water connection pursuant to Section 20.7.10.400 NMAC 2013. An additional fee shall be charged for new connections for back flow devices. The fee will vary based upon size and cost for the back flow device and parts and shall be equal to the cost incurred by the Village.

### **3. Extension of lines and construction of new facilities.**

A. An extension of water or sewer lines, as used in this chapter, means the installation of lines from the sewer main or water main of more than the normal service line limit of 100 feet. A charge for an extension of water mains and sewer lines by the Village, as established from time to time by resolution of the village council, shall be assessed to the owner in addition to any other fees or charges provided for herein if an extension is necessary to provide service as determined in the sole discretion of the Village.

B. Additional charges for booster pump stations, water storage tanks, sewer lift stations and other water and sewer facilities provided by the Village, as established from time to time by resolution of the village council, shall be assessed to the owner if such facilities are necessary to provide service as determined in the sole discretion of the Village.

C. All water main and sewer line extensions and all other water and sewer facilities contracted by the owner for acceptance by the Village shall be designed in

accordance with state and local standards, and all plans for such improvements must be approved by the Village prior to the start of construction. Construction of such improvements shall be inspected by the Village and must be approved by the Village prior to the final acceptance and provision of service. The Village reserves the right to reject as unacceptable any improvements deemed insufficient or not constructed in compliance with any state or local standards. Residence must wait for the Village to have their line installed before adding their own line.

#### **4. Payment of charges.**

The charges for all water and sewer connection, extension, and other charges specified in this article and established from time to time by resolution of the village council, shall be due and payable upon application to the Village for service. All charges assessed shall be paid in full, unless the customer has made prior arrangements to pay the charges in monthly installments pursuant to Article V of this chapter.

#### **5. Provision of service.**

Upon receipt and approval of the application and payment of all applicable fees, the Village will make all reasonable efforts to supply service within 60 days of application approval, weather permitting.

#### **6. Authorized persons.**

All connections and installations to the Village water and sewer system must be made by a licensed plumber, subject to the supervision, inspection, and approval by the Village and in compliance with the Uniform Plumbing Code adopted by the state of New Mexico.

#### **7. Access to meters.**

The Village has the right to access properties to read and maintain any and all meters required or installed pursuant to this chapter. Customers shall ensure that meters are accessible to Village employees at all times.

#### **8. Unauthorized access prohibited.**

It shall be unlawful for any person to open, uncover or in any manner make connection to any main or line in the Village or to lay drainpipe or any other pipe on any premises or in any street or alley without first obtaining written permission from the Village. Only a Village employee may open or shut off water meters.

#### **9. Use of Village equipment.**

The Village of Mosquero shall not lend or rent out Village equipment, nor shall Village employees perform work on private property except under extreme emergencies which threaten the health, safety, or welfare of the public, as determined in the sole discretion of the Village. In the event of an emergency affecting the public health and welfare, work conducted pursuant to this chapter shall be approved by the mayor and/or village council



prior to any work being performed and shall be authorized for a maximum of one hour. In the event the work to be performed is not completed within one hour, the mayor and/or village council may approve additional time for work to be performed, subject to additional fees. Use of Village equipment on private property pursuant to this chapter, including the backhoe, shall be subject to the charges established from time to time by resolution of the village council.

## **Article IV. Solid Waste Service**

### **1. Applicability of fees.**

All residences, commercial establishments, and government agencies located within the Village of Mosquero limits and generating solid waste shall be subject to the solid waste disposal fees outlined in this article and established from time to time by resolution of the village council, regardless of other arrangements for solid waste disposal or actual usage of solid waste services.

### **2. Solid waste customer classifications.**

A. Residential. A solid waste collection account for a single-family detached house, townhouse, duplex, triplex, or mobile home used exclusively for residential purposes.

B. Extra-Small Business. A solid waste collection account for commercial property which generates no more than one yard bin of solid waste once per collection week and residential property used in whole or in part for home based businesses.

C. Small Business. A solid waste collection account for commercial property which generates up to two yard bins of solid waste once per collection week.

D. Medium Business. A solid waste collection account for commercial property which generates up to three yard bins of solid waste once per collection week.

E. Large Business. A solid waste collection account for commercial property which generates up to four yard bins of solid waste once per collection week.

F. Commercial. A solid waste collection account for commercial property which generates four or more yard bins of solid waste once per collection week.

### **3. Solid waste disposal fees.**

All residences shall be subject to the residential fee established from time to time by resolution of the village council. Commercial establishments and government agencies shall be subject to the business and commercial fees established from time to time by resolution of the village council based on the amount of waste generated. The mayor and Village staff shall be authorized to determine the applicable size of businesses, commercial establishments, and governmental agencies from time to time in order to assess the

appropriate service fee. This determination shall be made upon consideration of the volume of solid waste each business generates.

#### **4. Disposal of solid waste.**

All disposal of solid waste shall be at the disposal site operated in accordance with state laws, rules, and regulations of the New Mexico Environmental Improvement Agency, and at no other place. Solid waste deposited during operating hours at any site operated by the Village shall be placed where designated by posted sign and/or Village employee.

#### **5. Items not permitted at transfer station.**

A. The following items are not permitted to be deposited at the Village transfer station:

1. Motor vehicle bodies and major parts thereof;
2. Construction materials of any type or size;
3. Stumps or logs over four feet in length; and
4. Paint, antifreeze, or vehicle batteries.

B. All items listed above must be properly disposed of personally by the customer at their own expense and at a designated landfill site.

C. Customers, contractors, and commercial entities remodeling, reroofing or performing any type of construction activities must make arrangements with a waste management company to rent a roll-off to dispose of construction materials.

#### **6. Transfer station hours.**

The village clerk-administrator may set the hours for the transfer station depending on the needs of the Village and in accordance with seasonal demand. Residents of the Village of Mosquero must contact the utility department during regular working hours 9:00 a.m. to 11:00 a.m., Wednesday and Friday to dump solid waste at the transfer station during the work week. The transfer station will be opened on the first and third Saturday at 8:00 a.m. or 10:00 a.m.

#### **7. Littering.**

All solid waste disposed of in the Village of Mosquero limits or at the transfer station shall be disposed of in the containers provided by the Village. Solid waste shall be disposed of only in the manner as set forth herein, subject to amendment from time to time in order to maintain a sanitary environment. Any person found disposing of solid waste in any manner not specifically provided for herein shall be subject to penalty pursuant to this chapter.

## **8. Penalty.**

Any person, firm, or corporation found in violation of this article shall be guilty of a misdemeanor offense and upon conviction shall be fined in an amount not to exceed \$500.00 and not less than \$100.00 per offense and/or by imprisonment not exceeding 90 days. Each occurrence of a violation shall be treated as a separate offense.

## **Article V. Billing Procedure**

### **1. Establishment of fees.**

The village council shall adopt by resolution a schedule for all fees and charges set forth in this chapter, including fine guidelines, disposal and service charges, connection fees, and any and all other fees and charges. The Village or its employees shall review the schedules annually and make recommendation to the village council for revision, if necessary, to reflect changes in expenses for all services provided projects, programs, and administration.

### **2. Monthly utility bill.**

All charges for water service, sewer service, and solid waste disposal shall be billed by the Village once per month and incorporated as part of a single monthly utility bill. All billing fees shall be due and payable at the time and date specified in the utility bill.

### **3. Water, sewer, and solid waste service charges.**

A. All charges for water shall be based on actual meter readings to be conducted by the Village once per month in addition to a minimum water rate fee which is established from time to time by resolution of the village council. When a monthly meter reading is not possible due to accumulation of snow or other conditions, the Village may estimate the service charge based on the customer's previous monthly usage. All estimated charges shall be noted as such on the customer's bill.

B. All charges for services shall be billed in accordance with the schedules established from time to time by resolution of the village council and shall be listed separately on each statement.

### **4. Payment of one-time fees.**

In the event any customer elects to pay any one-time fees assessed pursuant to this chapter by means of monthly installments, all such fees shall appear on the monthly utility bill separately from all recurring fees and shall become due and payable at the same time as all other charges set forth in the monthly utility bill. All such fees must be paid within three months and payment for each such fee must be received in addition to all charges assessed as part of the monthly utility bill. Additional time to pay such fees may be granted by the Village upon a showing of substantial hardship by the customer. All payments

received shall first be applied to any one-time fees assessed, and then shall be applied to monthly services charges or late fees which may apply.

**5. Delinquent bills and penalty.**

All charges for water and sewer service shall be billed by the Village once per month and shall be due and payable on the fifteenth of the month; if the fifteenth falls on a weekend or holiday the bill shall be due the next regular business day. All bills shall become due and delinquent if payment is not received by the close of business on the due date, and a late fee as established from time to time by resolution of the village council shall be added to the outstanding balance as a penalty.

**6. Disconnection for nonpayment.**

A. Any and all charges not paid within 30 days from the date the payment is due shall be considered past due and the customer shall be disconnected. For all delinquent bills, the Village shall cause a notice of delinquency to be issued to the property owner and tenant advising of any penalties, fees and/or charges assessed and informing the property owner and tenant that service will be discontinued unless payment is received in full.

B. If after a disconnection, the customer requests reconnection, service shall only be restored upon payment in full of a reconnection fee established from time to time by resolution of the village council in addition to the entire delinquent amount, including all penalties assessed against the account.

**Article VI. Right to Refuse to Provide Service**

**1. Right to refuse service.**

A. The Village reserves the right to refuse water service to anyone if the Village determines that its existing water supply and/or water treatment and distribution facilities are inadequate to provide such service.

B. The Village reserves the right to refuse sewer service to anyone if the Village determines that the existing collection and/or treatment facilities are inadequate to provide such service or if the proposed wastewater to be treated includes a toxic waste or other pollutant in amounts that will endanger the public health and safety or that will endanger the physical integrity or operation of the Village's treatment facilities.

C. The Village reserves the right to refuse solid waste service to anyone if the Village determines that the existing collection and/or disposal facilities are inadequate to provide such service.

**2. Adequacy of services.**

The village council shall be the sole judge of the adequacy of the water and sewer facilities and solid waste disposal services of the Village.

## **Article VII. Discontinuance and Denial of Restoration of Service**

### **1. Basis for discontinuation or denial of service.**

The Village may discontinue and/or deny restoration of water, sewer, and/or solid waste services to any customer for the following reasons:

- A. The Village determines that the conditions are hazardous to the public health or welfare, and/or to public or private property, including the Village's utility systems;
- B. The customer uses the water, sewer, and/or solid waste collection service or system equipment in such a manner as to adversely affect the Village's system or the Village's service to others;
- C. The customer tampers with, damages, or destroys any water, sewer, or solid waste system or system components furnished and owned by the Village, including garbage receptacles and dumpsters;
- D. The customer engages in unauthorized use of the Village's water, sewer and/or solid waste collection services or systems;
- E. The customer fails to fulfill his/her contractual obligations for service;
- F. The customer fails to make timely and complete payment for service. Pursuant to Section [3-23-1](#) NMSA 1978, the Village may discontinue water and or solid waste service if payment is not received within 30 days from the date payment is due for water, sewer, or garbage collection services;
- G. The customer fails to permit the Village reasonable access to equipment;
- H. The customer fails to permit the Village to make reasonable inspections as provided for herein;
- I. The customer bypasses a meter or interferes with the proper registration of water used. The Village will not reconnect service until the bypass is removed and payment is made for damages to the installation and for the value of estimated service for the period during which the meter was tampered;
- J. The customer fails to furnish service equipment, permits, certificates or rights-of-way, as specified by the Village as a condition to obtaining service;

K. For chronically delinquent accounts, a lien will be filed on the property. After the lien has been filed, the monthly minimum charge will be discontinued for water, sewer, and solid waste services and all such services will be disconnected or discontinued. For services to be reinstated, all applicable fees and the outstanding balance on the account must be paid in full. No chronically delinquent account holder may reinstate one service without simultaneously reinstating all services.

**2. Notice of intent to disconnect service.**

The Village shall provide notice of the intent to disconnect service to customers with delinquent accounts a minimum of 10 days prior to shutting off or disconnecting service.

**3. Use of meter shut-off valve.**

The owner or tenant must contact the Village to make proper arrangements for a Village utility operator to turn on or shut off the meter. If the resident turns on or shuts off their water, please call the Village office or utility operator. Customers must pay all amounts assessed for water or sewer tap reconnections in full at the time the meter is reconnected.

**4. Discontinuation of service for waste of water.**

If the Village finds evidence of the continual or repeated waste of water by a customer, the Village will notify the customer in writing of its finding and advise the customer that such waste must cease, or the Village will discontinue service. The Village shall afford the customer a reasonable period of time to make necessary corrections or repairs to end such waste and shall notify the customer of the designated time period within which to do so. If the customer does not make the necessary corrections or repairs to end such waste within the designated time period, the Village shall discontinue service until the customer takes the necessary corrective action and pays the reconnection fee.

**5. Successors in interest.**

Services discontinued by the Village pursuant to this chapter may be withheld from a successor in interest until all obligations of the offending party are satisfied, including the payment of any outstanding amounts and/or completion of corrective measures.

**Article VIII. Emergency Controls**

**1. Emergency controls.**

The mayor is hereby authorized to limit or disconnect any service provided for herein in any area or throughout the Village in order to make repairs or to control an emergency which may affect the public health, welfare, or safety.