

ORDINANCE 2008-03

Alto Lakes Water & Sanitation District  
State of New Mexico

---

AN ORDINANCE AMENDING THE ORDINANCE OF THE  
ALTO LAKES WATER & SANITATION DISTRICT.

---

WHEREAS, the Board of the Alto Lakes Water & Sanitation District (ALWSD) adopted an Ordinance (Ordinance 2008-01) which became effective on April 1, 2008; and

WHEREAS, the District Board of the ALWSD have previously adopted Ordinance(s) amending the Ordinance; and,

WHEREAS, the District Board of the ALWSD intend that this Ordinance shall amend the Ordinance as previously and cumulatively amended; and

WHEREAS, this Ordinance includes the attached Table Of Amendments; and,

WHEREAS, The amended Ordinance affects all properties located within the District boundaries and all properties which lie within service areas outside of the District

WHEREAS, The amended Ordinance includes an annual Cost Of Living adjustment for Water, Wastewater, and Fire Protection rates; revised titling of wastewater provisions governing Prohibited and Restricted Discharges; regulations governing private wells and Powers and Duties of the District Manager; and new sections governing RV and Trailer Space Rentals, Water Usage Restrictions, and Water Conservation.

WHEREAS, the District Board of the ALWSD have published notice of a public hearing on adoption of this Ordinance; and

WHEREAS, the District Board of the ALWSD held a public hearing on adoption of this Ordinance on July 24, 2008 beginning at 8:00 a.m. in the District's offices at 214 Lake Shore Drive, Alto, New Mexico 88312; and

WHEREAS, all interested parties were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE ALTO LAKES WATER & SANITATION DISTRICT:

THAT, Ordinance No. 2008-03 is hereby adopted by the District Board.

THAT, this Ordinance shall become effective on September 1, 2008 except for CPI adjustments which shall become effective with PRC approval.

PASSED, APPROVED and ADOPTED this 24th day of July 2008.

---

B. Earl Adamy, Jr., President

---

Dan Knorr, Vice-President and Treasurer

---

David Winans, Secretary

---

Gary Parker, Board Member

---

Bill Pope, Board Member

ACKNOWLEDGEMENT:

Comes Now, David Winans, Secretary of the Board of Directors Of the Alto Lakes Water and Sanitation District and certifies that the above is a true and correct statement of a Ordinance 2008-03 adopted by the Board on the 24th day of July, 2008.

---

David Winans

Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

Reference (Section Number & Paragraph)	Changes
5	Definitions
Irrigation System	A system which replaces or supplements rainfall with water from another source in order to grow ground covers, plants, shrubs, and trees. The system generally consists of a control unit that controls one or more zones, together with lines to carry water and heads to apply water. All new and replacement irrigation systems must be equipped with a shut-off on the outside of the house and a rain sensor.
Irrigation System, Backflow Valve	A valve that prevents contents of the irrigation line from flowing backward into the potable water system when a pressure drop occurs in the potable water system.
Irrigation System, Drip	A sub-surface irrigation system which delivers water at or near the root zone, drop by drop, eliminating water loss due to evaporation and run-off.
Irrigation System, Rain Sensor	An irrigation shutoff device that prevents an automatic irrigation or sprinkler system from turning on during and after a rainstorm. When the collected rainwater has evaporated from the device, scheduled irrigations resume.
Irrigation System, Shutoff	A device equipped with a ball valve that disconnects the irrigation system from the potable water supply.
6-D	Revised
	<p><b>D. Private Wells.</b></p> <p>The District strongly discourages and will object to the drilling and use of private wells. Most properties are under covenants which prohibit private wells.</p> <p>The permitting and use of private wells is governed by State law and may be further governed and limited by conditions of subdivision approval and property covenants.</p> <p>Any property owner connected to the District’s potable water system who applies to the State for a permit to drill and use a private well is required to provide written notice to the District of the application. The notice shall include a copy of the application and shall be postmarked not later than the application filing date by registered mail to the District at the address provided on the District’s water bills.</p> <p>It is the intent of this provision to allow the District specific notice and sufficient time to evaluate the probable impact of the application upon the District’s ability to provide and furnish water to its customers.</p>
7-N	Revised paragraph title: “ <b>Prohibited and Restricted discharges</b> ”
9	New: Section 9 – RV and Trailer Space Rental
	<p><b>A. Applicability</b></p> <p>The regulations set forth herein shall apply to the rental of RV and trailing parking space in the District’s yard on High Mesa.</p> <p><b>B. Character of Service</b></p> <p>The District may rent parking spaces for a monthly fee as specified in Appendix A: Fee Schedule. The terms of each lease shall be set forth in the District’s RV and Trailer Space Rental Agreement between the District and renter.</p>
18	New: Section 18 – Water Usage Restrictions
	<p><b>A. Purpose.</b> The District water usage procedures are classified into five levels based upon a variety of conditions or triggers, defined at the end of this section.</p>

Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

The levels and accompanying restrictions are based upon:

1. Operational water delivery capacities as monitored by District Management.

In emergency situations such as forest fires and mechanical system failure, the District management may impose any restriction on the use of water to protect public health, safety and welfare or to preserve the public water supply.

B. **Applicability:** The regulations set forth herein shall apply to all property within the District and to subdivisions outside the District to which the District provides potable water. The provisions of this section do not apply to the individual use of captured rain water or to legally nonconforming domestic wells.

C. **Notice:** Public notice will be provided to the public by all practical means.

D. **Normal condition:**

2. **Defined**

a. **Forecast delivery capacity:** 120% of 3 year average usage for month

3. **Restrictions**

a. **Domestic and Commercial customers:** No restrictions on outdoor watering in accordance with the Water Conservation Section of this Ordinance

b. **Irrigation customers:** No restrictions

E. **Moderate condition:**

2. **Defined**

a. **Forecast delivery capacity:** 100% of 3 year average usage for month

3. **Restrictions**

a. **Domestic and Commercial customers:** No restrictions on outdoor watering for customers using drip irrigation systems in accordance with the Water Conservation Section of this Ordinance. Customers using broadcast irrigation systems and/or hand watering are restricted to watering between the hours of 5 to 9 am or 5 to 9 pm on following days:

(1) Odd address: Wednesday and Sunday

(2) Even address: Tuesday and Saturday

b. **Irrigation customers:** Usage may not exceed 370,000 gallons per day

F. **Serious condition:**

2. **Defined**

a. **Forecast delivery capacity:** between 75% and 99% of 3 year average usage for month

3. **Restrictions**

a. **Domestic and Commercial customers:** No restrictions on outdoor watering for customers using drip irrigation systems in accordance with the Water Conservation Section of this Ordinance. Customers using broadcast irrigation systems and/or hand watering are restricted to watering between the hours of 5 to 9 am or 5 to 9 pm on following days:

Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

	<p>(1) Odd address: Wednesday only</p> <p>(2) Even address: Saturday only</p> <p>b. <b>Irrigation customers:</b> Usage may not exceed 280,000 gallons per day</p> <p><b>G. Severe condition:</b></p> <p><b>2. Defined</b></p> <p>a. <b>Forecast delivery capacity:</b> less than 75% of 3 year average usage for month</p> <p><b>3. Restrictions</b></p> <p>a. <b>Domestic and Commercial customers:</b> No restrictions on outdoor watering for customers using drip irrigation systems in accordance with the Water Conservation Section of this Ordinance. Customers using broadcast irrigation systems and/or hand watering are restricted to watering between the hours of 5 to 9 am or 5 to 9 pm on following days:</p> <p>(1) Odd address: 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month</p> <p>(2) Even address: 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month</p> <p>b. <b>Irrigation customers:</b> Usage may not exceed 195,000 gallons per day</p> <p><b>H. Extreme condition:</b></p> <p><b>2. Defined:</b> Declaration of emergency by District Board</p> <p><b>3. Restrictions</b></p> <p>a. <b>Domestic and Commercial customers:</b> All outdoor watering is prohibited.</p> <p>b. <b>Irrigation customers:</b> Usage may not exceed 50,000 gallons per day</p>
19	<p>New: Section 19 – Water Conservation</p> <p>A. <b>Purpose.</b> The District lies in a mountainous area of the Chihuahuan desert subject to long droughts. Additionally, there is increasing competition from nearby communities and development for potable water supplies. Water rights and supplies of potable water have become exceedingly difficult and expensive to obtain. The intent of the regulations in this section is to address public health, safety, and general welfare issues that arise from the use of available supplies of potable water in structures and landscaping.</p> <p>B. <b>Basis.</b> Properties within the boundaries of the Alto Lakes Zoning District (ALSZD) are subject to the Water Conservation provisions of the ALSZD’s Comprehensive Zoning and Land Use Ordinance adopted on September 21, 2006. It is the Board’s intent to harmonize water conservation provisions within the common boundaries of the ALSZD and the ALW&amp;SD and with customers served by the ALW&amp;SD which lie outside the District’s boundaries; however the ALW&amp;SD does not warrant that provisions are identical.</p> <p>C. <b>Applicability:</b> The regulations set forth herein shall apply to all property within the District and to properties outside the District to which the District provides potable water.</p> <p>D. <b>Interior water use.</b></p> <p><b>1. Reverse Osmosis and Filtration systems.</b> Reverse Osmosis system use pressure and a membrane to pass drinking quality water through the system. The brine discharge (waste) from household Reverse Osmosis systems ranges between 4 and 10 gallons for every gallon of drinking quality water</p>

Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

produced. Filtration systems use replaceable filters that catch and hold the impurities.

**a. Permitted systems.**

- (1) Whole house and drinking water filter systems that use replaceable filters. This avoids wasting water through brine discharge.
- (2) Reverse Osmosis systems that provide water only for human and pet consumption are permitted. Reverse Osmosis systems shall be connected to drinking water and ice dispensers exclusively.

**b. Prohibited systems.** Reverse Osmosis systems intended to provide water for purposes other than human consumption are prohibited in new construction. Use, replacement and upgrade of existing systems is permitted but is discouraged. This includes “full-house” Reverse Osmosis systems.

**2. Water Softeners.**

**a. Permitted control units.** On demand water softeners that monitor the amount of water used and recharge when remaining capacity falls below the reserve level. The reserve level shall not be set to exceed twenty percent.

**b. Prohibited control units.** Timer based water softeners that recharge at fixed time intervals regardless of water usage are prohibited in new construction. Use of existing systems is permitted but is discouraged.

**3. Hot Water Systems.**

**a. Permitted design.** Hot water systems that provide immediate hot water at the tap. This includes systems that:

- (1) Heat water at the point of use and
- (2) Continuously recirculate hot water between the heater and the tap

**b. Prohibited design.** Hot water systems that require the user to wait for hot water to transit the hot water line from heater to tap are prohibited in new construction. Use, replacement and upgrade of existing systems is permitted but is discouraged. Retrofit using a permitted design is strongly encouraged where practical.

**E. Irrigation.** Irrigation systems shall be designed to minimize the use of potable water resources. These provisions shall not apply to customers for which the District provides Irrigation service.

**1. Permitted Systems.**

- a. Drip irrigation systems fed from rainwater catchments are permitted.
- b. Drip irrigation systems fed from the community water system are permitted providing that:
  - (1) The landscaping and irrigation system design specification provides for water usage calculated as follows:
    - (a) 0.1 gallon per month per square foot to be landscaped not to exceed 1000 gallons per month when landscaping is established. Example: 100 gallons per month are allowed for 1000 square feet to be landscaped.
    - (b) For a maximum of four months while landscaping is getting established, 0.3 gallon per month per square foot to be

Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

	<p style="text-align: center;">landscaped not to exceed 3000 gallons per month.</p> <p style="text-align: center;">(c) The area to be landscaped is defined as the area enclosed by a single line drawn around the outside boundary of all landscaping.</p> <p style="text-align: center;">(d) Each property shall be allowed a minimum of 400 gallons per month.</p> <p><b>2. Prohibited Systems.</b></p> <p>a. Broadcast irrigation systems and all other irrigation systems that are designed to apply more than the gallonage allowed under Permitted Systems.</p> <p><b>3. System Requirements.</b> All irrigation systems which are connected to the potable water system must meet the following additional requirements:</p> <p>a. An outside irrigation system shutoff (see definition) is required. The device shall be mounted outdoors adjacent to a driveway or walkway and shall be clearly marked.</p> <p>b. An automatic rain sensor (see definition) is required. The device shall be mounted outdoors where it will be exposed to unobstructed rainfall.</p> <p>c. Compliance with all Federal, State, and Water &amp; Sanitation District regulations.</p> <p>d. Compliance with the New Mexico Plumbing Code.</p> <p><b>4. Nonconforming Irrigation Systems Amortization Provision</b></p> <p>a. The “Nonconforming Irrigation Systems Amortization Provision” adopted by ALSZD provides as follows:</p> <p>(1) The Commission, during the period of development of this Ordinance, has become aware generally of the cost of installation of the nonconforming irrigation systems and their useful life. The commission has determined, based on facts known to them, that any remaining useful life of the non-conforming irrigation systems is no more than five years without significant repairs or renovation. The life span is in large measure related to calcification resulting from the very high mineral content of the water supply.</p> <p>(2) It is the objective of this ordinance that all nonconforming irrigation systems, existing as of the date of adoption of this ordinance, shall be brought into compliance with this ordinance not later than December 31, 2016. All nonconforming irrigation systems in existence after December 31, 2009 must comply with System Requirements set forth in 3 above.</p> <p>(3) Any nonconforming irrigation system, which is substantially damaged, destroyed, replaced, or redesigned, shall be brought into conformity with this ordinance.</p> <p>b. The ALW&amp;SD Board hereby adopts the above provisions including the sunset dates as follows:</p> <p>(1) The date for compliance with System Requirements is December 31, 2009.</p> <p>(2) The date for full compliance is December 31, 2016.</p>
30-C	Replacement
	<p><b>C. Powers and Duties of the District Manager.</b> The District Manager shall have the overall responsibility for the control, management and direction of the District and shall perform all acts necessary for the prudent, efficient and economical management of the District, subject to the duly</p>

Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

	adopted policies of the Board of Directors.
Appendix A	Revised (see below for revised Fee Schedule)



Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

**Appendix A: Fee Schedule**

<b>A. Water rates (adj 04/2008 BLS CPI-U 214.823)</b>		<b>Charge</b>	<b>Per</b>
<b>Meter: Connection and Transfer Fees</b>			
	New Connection Fee– 5/8” Residential and Small Commercial	\$436.55	
	New Connection Fee– 1” Large Commercial	\$ 480.20	
	New Connection Fee– 1-1/2” Large Commercial	\$ 623.64	
	New Connection Fee– 2” Large Commercial	\$ 748.37	
	New Connection Fee– 3” Large Commercial	\$ 1,247.28	
	Disconnect Fee – 5/8” Residential and Small Commercial	\$ 124.73	
	Disconnect Fee – 1” Large Commercial	\$ 129.93	
	Disconnect Fee – 1-1/2” Large Commercial	\$ 135.12	
	Disconnect Fee – 2” Large Commercial	\$ 155.91	
	Disconnect Fee – 3” Large Commercial	\$ 207.88	
	Reconnect Fee – 5/8” Residential and Small Commercial	\$ 124.73	
	Reconnect Fee – 1” Large Commercial	\$ 129.93	
	Reconnect Fee – 1-1/2” Large Commercial	\$ 135.12	
	Reconnect Fee – 2” Large Commercial	\$ 155.91	
	Reconnect Fee – 3” Large Commercial	\$ 207.88	
<b>Residential (service furnished through one 5/8” meter)</b>			
	Base Charge	\$ 30.31	month
	First five thousand (5,000) gallons per month	\$ 2.91	1000 gallons
	Next five thousand (5,000) gallons per month	\$ 4.38	1000 gallons
	Next fifteen thousand (15,000) gallons per month	\$ 5.83	1000 gallons
	Next twenty five thousand (25,000) gallons per month	\$ 8.74	1000 gallons
	Over fifty thousand (50,000) gallons per month	\$ 29.14	1000 gallons
<b>Small Commercial (service furnished through one 5/8” meter)</b>			
	Base Charge	\$ 30.31	month
	First five thousand (5,000) gallons per month	\$ 2.91	1000 gallons
	Next five thousand (5,000) gallons per month	\$ 4.38	1000 gallons
	Next fifteen thousand (15,000) gallons per month	\$ 5.83	1000 gallons
	Next twenty five thousand (25,000) gallons per month	\$ 8.74	1000 gallons
	Over fifty thousand (50,000) gallons per month	\$ 29.14	1000 gallons
<b>Large Commercial (service furnished through one 1” to 3” meter)</b>			
	Base Charge	\$ 87.42	month
	First one hundred seventy-five thousand (175,000) gallons per month	\$ 5.25	1000 gallons
	Next one hundred seventy-five thousand (175,000) gallons per month	\$ 10.49	1000 gallons

Ordinance 2008-03 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

	Over three hundred fifty thousand (350,000) gallons per month	\$ 29.14	1000 gallons
<b>Irrigation (non-potable service furnished to lake through 2"-6" line)</b>			
	Base Charge	\$ 12,822.56	month
	First six million six hundred thousand (6,600,000) gallons per month	\$ 2.91	1000 gallons
	Next eight million four hundred thousand (8,400,000) gallons per month	\$ 5.25	1000 gallons
	Over fifteen million (15,000,000) gallons per month	\$ 29.14	1000 gallons
<b>Fees and Charges for customers outside the District</b>			
	All rates shall be the same as for customers inside the District.		
<b>B. Wastewater (adj 04/2008 BLS CPI-U 214.823)</b>			
		<b>Charge</b>	<b>Per</b>
<b>Wastewater rates</b>			
	Base Charge - Site A and B town homes, ALG&CC Barns	\$30.85	month
	Base Charge - Site C Town Homes	\$ 33.93	month
	Base Charge - Deer Park Woods Town homes	\$ 35.47	month
	Base Charge – Small Commercial	\$ 30.85	month
	Base Charge – Large Commercial	\$ 1,542.30	month
	Commodity Charge – All users	\$ 4.57	1000 gallons
<b>C. Fire Protection (adj 04/2008 BLS CPI-U 214.823)</b>			
		<b>Charge</b>	<b>Per</b>
<b>Fire Protection</b>			
	Lots in service area without meter	\$ 22.67	quarter
<b>Fees and Charges for customers outside the District</b>			
	Base and consumption rates shall be the same as for customers inside the District.		
<b>D. Administrative (adj 04/2008 BLS CPI-U 214.823)</b>			
		<b>Charge</b>	<b>Per</b>
<b>Late Payment Charges</b>			
	Insufficient Funds Fee	\$ 26.00	
	Interest at the rate of	1.50%	month
	with a minimum charge of	\$ 5.20	
	Premises Collection Fee	\$ 52.00	
<b>Miscellaneous Fees and Charges</b>			
	Meter Test Fee	\$ 52.00	
<b>E. Space Rentals (adj 04/2008 BLS CPI-U 214.823)</b>			
		<b>Charge</b>	<b>Per</b>
<b>12' x 40' space for RV or trailer</b>			
	All spaces	\$ 50.00	month