

ORDINANCE 2010-01

Alto Lakes Water & Sanitation District  
State of New Mexico

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

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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 have previously adopted Resolution(s) adopting rates, fees and tolls which amend 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, this Ordinance affects all properties located within the District boundaries and all properties which lie within service areas outside of the District; and,

WHEREAS, this Ordinance provides enforcement provisions when solid waste is deposited outside of the Alto Lakes Solid Waste Convenience Station (Section 8) and provides regulations affecting the disconnection of service (Sections 6, 7, and 20); and,

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 December 17, 2009 beginning at 9:00 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. 2010-01 is hereby adopted by the District Board.

THAT, this Ordinance shall become effective on January 22, 2010.

PASSED, APPROVED and ADOPTED this 17<sup>th</sup> day of December, 2009.

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Earl Adamy, Chairman

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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 2010-01 adopted by the Board on the 17<sup>th</sup> day of December, 2009.

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David Winans

**Ordinance 2010-01 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance**

Reference (Section Number & Paragraph)	Changes
<b>6-H</b>	<p><b>Base Charge and System Upgrade Fee(s) (revised)</b></p> <p>The owner of each property where a meter has been paid for or installed (whichever first occurs) shall pay the Monthly Base Charge and System Upgrade Fee(s) as specified in Appendix A: Fee Schedule.</p>
<b>6-J</b>	<p><b>Water Service – Disconnection (revised)</b></p> <p>Water service may be disconnected under any of the following conditions:</p> <ul style="list-style-type: none"> <li>A. The District disconnects water service for non-payment. The owner shall pay a Disconnect Charge as specified in Appendix A: Fee Schedule. Reconnection shall be required to re-establish service. The owner shall continue to be responsible for the Monthly Base Charge and System Upgrade Fee(s) during the period of disconnection.</li> <li>B. The property owner transfers a property with water service. The owner from which the property is transferred shall pay a Disconnect Charge as specified in Appendix A: Fee Schedule. The owner shall continue to be responsible for the Monthly Base Charge and System Upgrade Fee(s) through the date of transfer.</li> <li>C. The property owner changes the use of the property such that water service is no longer required. The District shall remove the water meter for which there shall be no credit. The owner shall pay a Disconnect Charge as specified in Appendix A: Fee Schedule. Effective with the end of the monthly billing period in which the meter is removed, the property shall become subject to Fire Protection service. Should a meter be installed at a later date, it will be subject to the then effective conditions and charges for New Connections. It shall be a violation of this ordinance for the property to be connected to service from another property.</li> </ul>
<b>6-K</b>	<p><b>Water Service – Reconnection (revised)</b></p> <p>Water service may be reconnected under any of the following conditions:</p> <ul style="list-style-type: none"> <li>A. The District reconnects water service which has been disconnected for non-payment. The owner shall pay a Reconnect Charge as specified in Appendix A: Fee Schedule.</li> <li>B. A property owner acquires property which had water service under the previous owner. The owner acquiring the property shall pay a Reconnect Charge as specified in Appendix A: Fee Schedule.</li> </ul>
<b>6-L</b>	<p><b>Fire Protection and System Upgrade Fee(s) (revised)</b></p> <p>The owner of each undeveloped unit site within the District's service area by which the water distribution system lies or along a boundary of which the water distribution system has been or is extended, but for which no water meter has been installed shall pay the Fire Protection Charge and System Upgrade Fee(s) as specified in Appendix A: Fee Schedule.</p> <p>The Fire Protection Charge is intended to help maintain the water production and distribution system to service the lots and to provide water to be used solely for extinguishing fires.</p> <p>Use of un-metered service for any purpose other than standby fire protection shall be a violation of this Ordinance.</p>
<b>6-M</b>	<p><b>System Upgrade Fee(s) (new)</b></p> <p>The District may, from time to time, assess a System Upgrade Fee against each metered and unmetered property within the District service area for the purpose of funding future improvements to the system.</p>
<b>6-M through U</b>	<p><b>Renumbered as 6-N through V (revised)</b></p>

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7-H	<p><b>Wastewater Disconnection</b> (revised)</p> <p>If the District disconnects water service for non-payment, the property owner will continue to be liable for the Base Charge and Commodity charges.</p> <p>Where the property owner changes the use of the property such that wastewater service is no longer required, the District shall disconnect the wastewater line and cap the connection. The owner shall pay a Disconnect Charge as specified in Appendix A: Fee Schedule. Should wastewater service be installed at a later date, it will be subject to the then effective conditions and charges for New Connections. It shall be a violation of this ordinance for the property to be connected to wastewater service from another property.</p>
7-I	<p><b>Wastewater Reconnection</b> (deleted)</p>
8	<p><b>Solid Waste Service</b> (revised)</p> <p><b>A. Applicability</b></p> <p>The District has authority for solid waste collection and disposal within the District under NMSA 73-21-3.</p> <p>The Green Tree Solid Waste Authority (formerly Lincoln County Solid Waste Authority) shall continue to provide residential and commercial solid and green waste services within the District in accordance with the terms of an operating lease between the District and the Authority.</p> <p><b>B. Alto Lakes Solid Waste Convenience Station</b></p> <p>The District owns the land and permanent improvements at the Alto Lakes Solid Waste Convenience Station (Station) on High Mesa.</p> <p>The Station is leased to the Authority which is solely responsible for the operation and maintenance of the Station. All garbage, refuse, yard, and forest waste shall be delivered to the Station during the hours and in such form as is established by the Authority.</p> <p><b>C. Requirement to deposit all solid waste at Station</b></p> <p>All garbage, refuse, and forest waste shall be deposited at the Station. No garbage, refuse, or forest waste shall collect on any property within the District for a period in excess of seven (7) calendar days except where deposited in a container provided for licensed disposal of commercial solid waste. It is the sole responsibility of the property owner to dispose of garbage, refuse, and forest waste.</p> <p>When the District is provided written notice that a person is in violation of this prohibition, it will notify the owner or occupant of the premises by regular mail of the violation and the District's intent to dispose of the material and lien the property for all charges. In the letter The District will inform the person that it will place the issue on its next Board agenda. The District will include in the notice the date, time and place of meeting and the right of the person to appear and contest the District's proposed action. The Board's decision is final.</p> <p>The District's charges for removal shall be the District's actual costs plus twenty-five (25) percent for picking up the waste and conveying it to the Station. The minimum charge shall be one hundred fifty dollars (\$150.00).</p> <p>Disposal costs shall be included in the next billing for Water Service or Fire Protection Service. If the responsible person fails to pay the charge, the District will invoke the Delinquency Procedures set forth in Section 21.</p>
20-D	<p><b>Transfer of Service</b> (revised)</p> <p>Customers who intend to move from the premises shall give the District ten (10)</p>

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	days prior written notice of such intention and the Customer will be liable for all services until such notice is given and the District has made final meter reading. The existing owner shall be responsible for the Monthly Base Charge and System Upgrade Fee(s) up to and including the date of transfer. The transfer of service to a new owner shall be effected within 30 days of the final meter reading.  When ownership of a property receiving one or more services from the District changes, a Reconnection Fee as specified in <a href="#">Appendix A: Fee Schedule</a> shall be paid by the new owner.
<b>20-E</b>	<b>Permanent Discontinuance of service (revised)</b> Water and Wastewater service shall be discontinued in accordance with the provisions for each type of service.
<b>20-F</b>	<b>Restoration of service (revised)</b> Water and Wastewater service shall be restored in accordance with the provisions for each type of service.

**Appendix A: Fee Schedule**

The currently effective Fee Schedule as established by Ordinance and amended by Resolution is incorporated by reference.