

ORDINANCE 2012-01

Alto Lakes Water & Sanitation District  
State of New Mexico

---

AN ORDINANCE AMENDING THE ORDINANCE OF THE  
ALTO LAKES WATER & SANITATION DISTRICT PROVIDING FOR CHANGES IN  
WATER USAGE RESTRICTIONS.

---

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, it is determined by the Board of Directors of the Alto Lakes Water and Sanitation District that it is necessary to amend water restrictions to be implemented in the event of reduced water supplies and/or emergency conditions, particularly with respect to high usage residential customers; 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 August 25, 2011 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. 2012-01 is hereby adopted by the District Board.

THAT, this Ordinance shall become effective on October 1, 2011.

PASSED, APPROVED and ADOPTED this 25<sup>th</sup> day of August, 2011.

A handwritten signature in black ink, appearing to read "Earl Adamy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Earl Adamy, Chairman

---

ACKNOWLEDGEMENT:

Comes Now, Gary Parker, 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 Ordinance 2010-01 adopted by the Board on the 25<sup>th</sup> day of August, 2011.

---

Gary Parker

Ordinance 2012-01 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

Reference (Section Number & Paragraph)	Changes
18	<p><b>Water Usage Restrictions (rewritten)</b></p> <p><b>A. Purpose.</b></p> <p>The District water usage restrictions are classified into five levels based upon a variety of conditions or triggers, defined for each level. The levels and accompanying restrictions are based upon operational water delivery capacities as monitored by District Management.</p> <p><b>B. Applicability:</b></p> <p>The regulations set forth herein shall apply to all property within the District and to customers 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.</p> <p><b>C. Penalty Charge:</b></p> <p>In addition to the standard rates as set forth in the Appendix A – Fee Schedule; customer shall pay a Penalty Charge on all use in excess of the maximum gallons allowed for any restricted (not “Normal”) condition. The Penalty Charge shall be established at the time the (not “Normal”) condition is established by the Board of Directors however the charge shall not exceed the Penalty Charge as set forth in the Appendix A – Fee Schedule.</p> <p><b>D. Notice of Water Condition for next billing month:</b></p> <p>The District Board will, at its regular monthly meeting on the 4<sup>th</sup> Thursday of each month, establish the condition as Normal, Moderate, Serious, or Severe for the following billing month. Public notice regarding any change in level together with any Penalty Charge will be provided to the public by:</p> <ol style="list-style-type: none"> <li>1. Notice posted at the District Offices</li> <li>2. Condition updated on the District’s entry signs located on High Mesa Drive and Lakeshore Drive.</li> <li>3. Email notice distributed to the Club (for redistribution via the Club’s email list), the ALG&amp;CC Newsgroup, ALPOA, and public print and broadcast media.</li> </ol> <p><b><u>Customers using more than ten thousand (10,000) gallons per month are responsible for monitoring water usage restrictions due to the Penalty Charges which may be incurred for excessive usage for months in which Water Usage Restrictions are not “Normal”.</u></b></p> <p><b>E. Emergencies:</b></p> <p>Emergency situations may arise at any time. Situations may include but are not limited to extreme weather, forest fires, electrical outages, and mechanical system failure; the District Board and/or Management may impose any necessary restriction on the use of water to protect public health, safety and welfare or to preserve the public water supply.</p> <p>Restrictions imposed between monthly Board meetings will not be subject to Penalty Charts for excess water use.</p> <p><b>F. Normal condition:</b></p> <p><b>Defined</b></p> <ol style="list-style-type: none"> <li>a. <b>Forecast delivery capacity:</b> 120% of 3 year average usage for month</li> </ol> <p><b>Restrictions</b></p> <ol style="list-style-type: none"> <li>a. <b>Domestic and Commercial customers:</b> No restrictions on outdoor</li> </ol>

Ordinance 2012-01 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

watering in accordance with the Water Conservation Section of this Ordinance

- b. **Large and Small Commercial customers:** No restrictions on outdoor watering in accordance with the Water Conservation Section of this Ordinance
- c. **Irrigation customers:** No restrictions

**G. Moderate condition:**

**Defined**

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

**Objective and restrictions:** The objective is to reduce total system demand to 80% of 3 year average usage for the month.

- a. **Domestic customers:**

- (1) 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:

- (a) Odd address: Wednesday and Sunday

- (b) Even address: Tuesday and Saturday

- (2) No domestic customer shall use more than fifty thousand (50,000) gallons of water during the calendar month. In addition to the standard rates as set forth in the Appendix A – Fee Schedule; customer shall pay the Penalty Charge established by the District Board a on all use in excess of fifty thousand (50,000) gallons.

- b. **Large and Small 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 Wednesday

- c. **Irrigation customers:** Usage may not exceed 400,000 gallons per day

**H. Serious condition:**

**Defined**

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

**Objective and restrictions:** The objective is to reduce total system demand to 70% of 3 year average usage for the month.

- a. **Domestic customers:**

- (1) 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:

- (a) Odd address: Wednesday only

- (b) Even address: Saturday only

- (2) No domestic customer shall use more than twenty five thousand (25,000) gallons of water during the calendar month. In addition to the standard rates as set forth in the Appendix A – Fee Schedule;

Ordinance 2012-01 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

	<p>customer shall pay the Penalty Charge established by the District Board on all use in excess of twenty five thousand (25,000) gallons.</p> <p>b. <b>Large and Small 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 Wednesday</p> <p>c. <b>Irrigation customers:</b> Usage may not exceed 350,000 gallons per day</p> <p><b>I. Severe condition:</b></p> <p><b>Defined</b></p> <p>a. <b>Forecast delivery capacity:</b> less than 75% of 3 year average usage for month</p> <p><b>Objective and restrictions:</b> The objective is to reduce total system demand to 60% of 3 year average usage for the month.</p> <p>a. <b>Domestic customers:</b></p> <p>(1) 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>(a) Odd address: 1st and 3rd Wednesday of each month</p> <p>(b) Even address: 2nd and 4th Wednesday of each month</p> <p>(2) No domestic customer shall use more than ten thousand (10,000) gallons of water during the calendar month. In addition to the standard rates as set forth in the Appendix A – Fee Schedule; customer shall pay the Penalty Charge established by the District Board on all use in excess of ten thousand (10,000) gallons.</p> <p>b. <b>Large and Small 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 the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month.</p> <p>c. <b>Irrigation customers:</b> Usage may not exceed 300,000 gallons per day</p> <p><b>J. Extreme condition:</b></p> <p><b>Defined:</b> Declaration of emergency by District Board</p> <p><b>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> <p>c. <b>All customers:</b> such additional conditions as may be required to protect the public health, safety and welfare.</p>

Ordinance 2012-01 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance  
**Appendix A: Fee Schedule**

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