

ORDINANCE 2013-01

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 PROVIDING FOR  
SOLID WASTE SERVICES, ESTABLISHING RATES FOR SOLID WASTE SERVICES,  
AND AMENDING ADMINISTRATIVE REGULATIONS FOR SERVICE, BILLING AND  
COLLECTION OF DISTRICT SERVICES.

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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, it is determined by the Board of Directors of the Alto Lakes Water and Sanitation District that it is necessary to provide regulations for the collection and disposal of solid waste within 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 establish charges for solid waste services for inclusion in Appendix A which may be amended by resolution; and

WHEREAS, it is determined by the Board of Directors of the Alto Lakes Water and Sanitation District that it is necessary to amend regulations for establishing, changing, and discontinuing District services including solid waste services; and

WHEREAS, it is determined by the Board of Directors of the Alto Lakes Water and Sanitation District that it is necessary to amend regulations for billing, payment, and deposits for District services including solid waste services; and

WHEREAS, it is determined by the Board of Directors of the Alto Lakes Water and Sanitation District that it is necessary to amend regulations for involuntary termination of District services including solid waste services; 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 23, 2012 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. 2013-01 is hereby adopted by the District Board.

THAT, this Ordinance shall become effective on October 1, 2012.

PASSED, APPROVED and ADOPTED this 23rd day of August, 2012.

Earl Adamy, Chairman

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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 2013-01 adopted by the Board on the 23rd day of August, 2012.

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Gary Parker

Ordinance 2013-01 Table of Amendments to the  
Alto Lakes Water & Sanitation District Ordinance

Reference (Section Number & Paragraph)	Changes
<b>5</b>	<b>A. Definitions (additions)</b>
Convenience Station	<p>The District owned land and improvements at the Alto Lakes Solid Waste Convenience Station on High Mesa Road adjacent to the District’s maintenance yard which is operated under a Convenience Station License from the New Mexico Environment Department.</p> <p>The Convenience Station is provided for the acceptance of Household Waste, Yard Waste, Forest Waste, and Miscellaneous Waste. Waste does not include any items categorized as hazardous waste or those which the New Mexico Environment Department does not permit acceptance at a Convenience Station.</p>
Solid Waste Service Charge	Fee charged to property owners with permanent water service for the disposal of Household Waste and Yard Waste.
Special Disposal Fees	Fee charged for disposal of Forest Waste and Miscellaneous Waste.
Waste, Forest	Forest waste consists of tree limbs and trunks which have been cut into sections not exceeding four feet in length.
Waste, Household	Household waste is waste which is generated in the day to day operation of a household and may include ash and products to be recycled.
Waste, Miscellaneous	Miscellaneous waste includes white goods, bulky items, scrap metal, and limited types and amounts of construction material.
Waste, Yard	Yard waste consists of pine needles, yard clippings, and forest debris not more than two inch in diameter and not longer than thirty-six inches in length. All yard waste shall be removed from bags prior to acceptance.
<b>8</b>	<p><b>Solid Waste Service (replaced)</b></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. The regulations set forth herein shall apply to all property within the District excepting commercial establishments.</p> <p><b>B. Character of Service</b></p> <p>Solid Waste service will be furnished under conditions as stated herein and in any policies, rules, and regulations adopted by the District Board.</p> <p>Solid Waste service furnished by the District to any customer shall be used only in connection with such customer’s residence or lot.</p> <p><b>C. Requirement to deposit all solid waste at Convenience Station</b></p> <p>All Household Waste, Yard Waste, Forest Waste, and Miscellaneous Waste shall be deposited at the Convenience Station. No Household Waste, Yard Waste, Forest Waste, Miscellaneous Waste or refuse of any kind 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 waste.</p> <p><b>D. Solid Waste charges</b></p> <p>The owner of each property with Permanent Water Service shall pay a Monthly Solid Waste Service charge as specified in <a href="#">Appendix A: Fee Schedule</a>. The charge will appear on the monthly billing for Water and Wastewater services.</p>

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	<p><b>E. Special Disposal Fees</b></p> <p>The owner of each property shall pay Special Disposal Fees as specified in <a href="#">Appendix A: Fee Schedule</a>. Special Disposal Fees will be collected at the time service is rendered.</p> <p><b>F. Fees and Charges for users outside District boundaries</b></p> <p>The owner of each property outside the District boundaries, which is provided water by the District, shall pay Fees and Charges as specified in <a href="#">Appendix A: Fee Schedule</a>.</p> <p><b>G. Penalty for failure to dispose of solid waste</b></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	<b>Service: Establishing, Changing, Discontinuing (replacements)</b>
20-D through 20-F	<p><b>D. Transfer of Service.</b></p> <p>Customers who intend to move from the premises shall give the District ten (10) 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 all Water, Wastewater, Solid Waste, 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.</p> <p>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.</p> <p><b>E. Permanent Discontinuance of service</b></p> <p>Water, Wastewater, and Solid Waste service shall be discontinued in accordance with the provisions for each type of service.</p> <p><b>F. Restoration of service</b></p> <p>Water, Wastewater, and Solid Waste service shall be restored in accordance with the provisions for each type of service.</p>
21	<b>Billing, Payment, and Deposits (replacements)</b>
21-A	<p><b>G. Rendering of Bills</b></p> <p>Bills for residential service will be rendered monthly. Bills for services to vacant lots will be rendered quarterly.</p>

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21-I	<p><b>I. Delinquency procedures</b></p> <p><b>Disconnection of service</b></p> <p>Water and wastewater service shall be disconnected at such time as bills for residential services become two (2) months delinquent.</p> <p><b>Filing of liens</b></p> <p>Liens for delinquent water, wastewater, and solid waste service shall be filed at such time as bills for residential service(s) become five (5) months delinquent.</p> <p>Liens for delinquent Fire Protection Service shall be filed at such time as bills for non-residential service(s) become twelve (12) months delinquent or exceed one hundred twenty-five dollars (\$125.00)</p> <p>Liens shall carry the maximum interest rate allowable by law.</p> <p><b>Foreclosure</b></p> <p>Liens for delinquent service shall be foreclosed not more than eighteen (18) months following the date on which the lien is filed</p>				
22	<b>Service: Involuntary Termination (replacements)</b>				
22-A through 22-B	<p><b>A. Purpose.</b></p> <p>Establish requirements and procedures for involuntary termination of water, wastewater, solid waste, and other services by the District.</p> <p><b>B. Cause</b></p> <p>Failure to timely pay all water, wastewater, and solid waste rates, fees, charges, deposits, penalties, interest or any other amounts due the District shall be cause for termination of service.</p> <p>Customer's failure to comply with the provisions of this Ordinance.</p>				
<b>Appendix A</b>	<b>Additions to Fee Schedule (effective Dec 2012)</b>				
Solid Waste Fees	<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Monthly Solid Waste Service charge including all Household Waste and Yard Waste</td> <td style="width: 30%; text-align: right;">\$19.95 per month</td> </tr> <tr> <td colspan="2">Special disposal fees for Forest Waste and Miscellaneous Waste not including items that are hazardous or prohibited by the New Mexico Environment Department: fees as charged by the Convenience Station Operator which have been approved by the District. Special disposal fees are to be paid to the Operator at time of disposal.</td> </tr> </table>	Monthly Solid Waste Service charge including all Household Waste and Yard Waste	\$19.95 per month	Special disposal fees for Forest Waste and Miscellaneous Waste not including items that are hazardous or prohibited by the New Mexico Environment Department: fees as charged by the Convenience Station Operator which have been approved by the District. Special disposal fees are to be paid to the Operator at time of disposal.	
Monthly Solid Waste Service charge including all Household Waste and Yard Waste	\$19.95 per month				
Special disposal fees for Forest Waste and Miscellaneous Waste not including items that are hazardous or prohibited by the New Mexico Environment Department: fees as charged by the Convenience Station Operator which have been approved by the District. Special disposal fees are to be paid to the Operator at time of disposal.					

**Appendix A: Fee Schedule**

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