

**Alto Lakes
Water & Sanitation District
County of Lincoln, State of New Mexico**

Ordinance Compilation

Ordinance 2008-01 adopted on the 11th day of February, 2008, effective April 1, 2008

Including the following Ordinance amendments

Ordinance 2008-02 adopted May 22, 2008, effective June 20, 2008

Ordinance 2008-03 adopted July 24, 2008, effective September 1, 2008 except rates
effective with PRC approval

Ordinance 2009-01 adopted February 26, 2009 effective March 27, 2009

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Ordinance 2013-01 adopted August 23, 2012, effective October 01, 2012

Ordinance 2013-02 adopted December 20, 2012, effective February 1, 2013

Ordinance 2013-03 adopted June 27, 2013, effective October 1, 2013

Consult the Office of the Alto Lakes Water & Sanitation District for possible ordinance
amendments adopted after the above date.

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Section 1 – Title

This ordinance shall be known as the “Alto Lakes Water & Sanitation District Ordinance Governing the Water and Sewer Systems” hereinafter referred to as “ordinance”. Within this text, “Board,” and “District Board” mean and refer to the Alto Lakes Water & Sanitation District Board.

Section 2 – Intent and Governing Laws

A. Purpose and Scope of Ordinances

This ordinance is intended to set forth the rates and rules under which the Alto Lakes Water & Sanitation District provides services to the District's property owners and ratepayers.

B. Authority

This ordinance is adopted pursuant to the enabling authority contained in New Mexico Statutes Annotated, 1978, and specifically the Water & Sanitation District Act Sections 73-21-1 through 7-21-55 NMSA 1978. Whenever any provisions of this ordinance refers to or cites a section of the New Mexico Statutes Annotated and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

C. Jurisdiction and Applicability

The provisions of this ordinance shall apply to all land, buildings, structures, and uses thereof on properties served by the District and to any person claiming an ownership in or right to occupy or use such.

D. Existing Regulations

These ordinances augment and enhance federal and state laws. These ordinances are meant to provide enforceable provisions, remedies and penalties and whenever any of these ordinances provide for more restrictive standards or requirements, this ordinance will prevail.

Section 3 – Interpretation and Conflict

- A. The regulations, restrictions, and requirements of this ordinance shall be held to be the minimum standards to carry out the purpose of this ordinance. This ordinance is not intended to interfere with, abrogate, or annul an easement, covenant, or other agreement between parties but in the event of a conflict, this Ordinance shall prevail.
- B. The provisions of this ordinance are severable, and if any provisions, sentences, clauses, sections, or parts hereof are held to be illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance or their application to the persons or circumstances.
- C. It is hereby declared to be the intent of the Water & Sanitation District Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included therein, and even if the person or circumstances to which this ordinance or part thereof is inapplicable had been specifically exempted there from.
- D. Headings, Illustrations and Text: In case of any difference of meaning or implication between the text of these ordinances and any heading, drawing, table, figure or illustration, the text shall control.
- E. Lists and Examples: Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples. They are not intended to be exhaustive lists of all possibilities.
- F. Computation of Time: The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Water & Sanitation District, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or observed holiday. References to days are calendar days unless otherwise stated.
- G. References to Other Regulations, Publications and Documents: Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
- H. Delegation of Authority: Whenever a provision requires an official, the head of a department or another officer or employee of the District Board to perform an act or duty, that provision shall be construed as authorizing that official, department head, officer, or employee to delegate that responsibility to others over whom they have authority.
- I. Technical and Non-technical Terms: Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- J. Mandatory and Discretionary Terms: The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are discretionary terms.

- K. Conjunctions: Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: (1) “And” indicates that all connected items, conditions, provisions or events apply; and (2) “Or” indicates that one or more of the connected items, conditions, provisions or events apply.
- L. Tenses and Plurals: Words used in one tense (past, present or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

Section 4 – General Provisions

Except as otherwise provided herein:

- A. The repeal or amendment of any portion of this ordinance shall not affect any penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed or amended.
- B. Except as may be provided herein, notice by the District to the Customer may be given orally, by telephone or in writing
- C. All customer installations shall comply with the Plumbing Code of the State of New Mexico and any other applicable codes, regulations, or statutes.
- D. In the event of a dispute, only written communication will be considered as proof of notice.

Section 5 – Definitions

Access	A way of approaching or entering a property primarily devoted to vehicular or pedestrian use from a public street, highway or to a private street or alley. Access includes ingress and egress.
Accessory Building or Use	A subordinate building or use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
Apartment Building or House	One or more structures each containing two or more dwelling units arranged in suites of connecting rooms designed for independent housekeeping, but with certain mechanical conveniences, such as heat, in common to all families occupying the building.
Bathroom	A room containing a washbasin, toilet, and bathtub or shower. Rooms referred to locally as one-half or three quarter baths are one bath for the purpose of this ordinance.
Board	The Alto Lakes Water & Sanitation District Board of Directors.
Building	Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, vehicles or property of any kind. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a firewall then each such portion shall be deemed to be a separate building.
Building (Principal)	The building occupied by the principal use of the property.
Business	Use or activity engaged in for gain or livelihood.
Chronically Delinquent Customer	A customer of the District who, during the prior twelve (12) months has been disconnected by the District for non-payment, or who during the prior twelve (12) months has not paid a bill by the date that a subsequent bill is rendered on three (3) or more occasions.
Commerce	The exchange of goods, productions, or property of any kind.
Commercial	Activity connected with trade or commerce
Commercial Unit	Premises operated for commercial purposes.
Condominium	Real estate, portions of which are designed for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. The undivided interests in the common elements are vested in the unit owners.
Contiguous	Adjacent to or touching, separated by not more than an easement.
Convenience Station	The District owned land and improvements at the Alto Lakes Solid Waste Convenience Station on High Mesa adjacent to the District's maintenance yard which is operated under a Convenience Station License from the New Mexico Environment Department.

Country Club	Property, buildings, and facilities owned or operated by a membership association, for example, the Alto Lakes Golf and Country Club.
Cross-connection	Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other of unknown or questionable safety, or an un-metered supply, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
Customer	Any person, firm, association, corporation, or any agency of the federal, state, or local government, being supplied with, desiring or responsible for payment for, water, wastewater, solid waste or related services by the District.
Customer's water line	The piping owned and installed by the customer which is connected to the customer side of the meter.
Delinquent	The status of a bill rendered to a customer for service which remains unpaid after the due date.
Discontinuance of Service	An intentional cessation of service by the District not voluntarily requested by the customer.
District	The Alto Lakes Water & Sanitation District.
District Line	All main and lateral lines within roadways, streets, county or district owned land, alleys or easements.
Duplex	A dwelling unit that has two single-family living areas that are attached by a common wall.
Dwelling Unit	A room or suite of rooms with kitchen, sleeping facilities, and bath facilities designed as a unit for occupancy by one family.
Easement	A right, liberty, privilege or advantage of use over the property of another.
Estimated bill	A bill for a metered service which is not based on an actual reading of the meter for the period billed.
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.
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.
Landscaping	The planting and maintenance of live plants including trees, shrubs, ground cover, vegetables, flowers, or other low-growing plants that are native or adaptable to the climatic conditions of Lincoln County. It may include inorganic and manufactured materials such as rocks, fountains, reflecting pools, works of art, benches and other types of casual furniture. (rev
Landscaping Plan	An accurate plan, drawn to scale, which outlines all proposed areas to be covered with impervious materials, proposed planting beds and vegetative ground cover area, and specifies the location, size and species of all proposed trees and shrubs.
Leak Credit	In the discretion of the Board a customers' bill may be adjusted downward if the customer has been diligent in discovering and fixing the leak.
Lot	A division, piece, portion, tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances.
Multi-Family Dwelling	A structure containing two or more dwelling units.
Owner	The word "owner" shall, when applied to a building or land, include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.
Person	Any individual, firm, co-partnership, joint venture association, social club, country club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, political subdivision, or other group or combination, acting as a unit.
Point of delivery	The point of delivery shall be the point where the facilities of the District connect to the facilities furnished by the customer.
Premises	A lot or area, together with all improvements, buildings, and structures thereon.
Pressure regulating device	Device that maintains a constant water pressure at its immediate downstream side which is less than the inlet pressure to the device, unless the pressure on the inlet side is lower than the pressure setting for the downstream side.
Pressure, normal	Under normal conditions, including expected peak, water pressure at the customer's meter connection shall not be less than 30 psi. nor more than 125 psi.

Private well	A well that is not owned and operated by the District.
Reconnect charge	A charge made by the District at the time application is made for reconnection of water service at a place where water service has been previously disconnected.
Remuneration	Compensation, money, rent or other bargained for consideration given in return for goods or services, or occupancy, possession or use of real property.
Roadway	That portion of a street, improved, designed, platted, or dedicated for vehicular traffic.
Seriously ill person	Person residing in a living unit to which the District supplies water, whose life would be endangered in the event of termination of such service.
Single Family Dwelling	A dwelling unit which is occupied, as a rule, for permanent residence purposes by a housekeeping unit maintaining a household.
Site Development Plan	A map or maps with text that shows proposed building configurations, heights, colorations, elevations and other structural elements, together with proposed walls, landscaping, berms, parking, grading, drainage, access, paving, schedule of development, and site elements on and adjacent to the lot(s) proposed for development. Requirements for all elements of the site plan shall be as determined by the District Board. Site Development Plans (Site Plans) may become the basis for building permits issued in conformance with approved drawings.
Solid waste service	General term for furnishing the customer with disposal of household solid waste and yard waste.
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	Fees charged for disposal of Forest Waste and Miscellaneous Waste
Street	That portion of a public right-of-way or private way or thoroughfare which is primarily devoted to vehicular use. Such right-of-way or thoroughfare normally shall provide access to abutting property.
Structure	Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, a building, fence or wall, advertising signs, billboards, backstops for tennis courts, and pergolas, but not including tents or vehicles.
Termination	Disconnection of water, wastewater, or solid waste service.
Town home or Townhouse	A dwelling unit usually connected to a similar structure by a common wall and commonly sharing and owning in common the surrounding grounds. Ownership includes the building.

Waste, Forest	Forest waste consists of materials generated by tree pruning, dead or live tree removal or land clearing projects, regardless of the size of the individual items.
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 item, scrap metal, and limited types and amounts of construction material.
Waste, Yard	Yard waste consists of grass or weeds from mowing, raked pine needles, clippings and twigs generated from general yard maintenance.
Wastewater service	General term for providing for the collection, transportation, treatment, and disposal of sewage from customers.
Water Meter Fee	A fee charged for administration and installation of new water connections.
Water service	General term for furnishing the customer with water; also the pipe connection from a distribution water main to a customer's water meter.
Water Shutoff Valve	A valve which is installed on customer premises adjacent to the District's meter which allows the customer to turn off water without access to the District's meter can. A Shutoff Valve is required on all water service connections.
Water Utility Expansion Fee	A fee charged concurrent with the installation of a new water meter which is intended to account for the burden of new customer service on upgrading and expanding the entire water system which includes water rights, well production, storage, treatment, transmission, and distribution. This is added to the general fund.

Section 6 – Water Service

A. Applicability

The regulations set forth herein shall apply to all property within the District and to property outside the District to which the District may elect to furnish water.

B. Residential and Commercial - Character of Service.

Water service for domestic, commercial, industrial, sanitary and other purposes will be furnished under conditions as stated herein and in any policies, rules and regulations adopted by the District Directors. There shall be one (1) meter for each "living unit" or "commercial unit". Service is to the property in question and all amounts due for service shall be liens on the property served.

C. Golf Course Irrigation – Character of Service

Non-potable water for golf course irrigation use will be furnished to the Alto Lakes Golf & Country Club under conditions as stated herein and in any policies, rules and regulations adopted by the District Directors. Service is to the property in question and all amounts due for service shall be liens on the property served.

The District's obligation to provide water for golf course irrigation is subject to availability of sufficient capacity to serve the needs of residential and commercial customers.

D. Private wells.

The District strongly discourages and will object to the drilling and use of private wells. Most properties are under covenants which prohibit private wells.

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.

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.

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.

E. Residential and Commercial - Connection Required.

All property in the District used for human habitation or occupancy shall be connected with the District's water system.

F. Customer piping.

The piping system on Customer's premise shall be inspected and approved by the appropriate governmental inspection agency. Before water service will be connected, proof of inspection is required with plumbing inspector's seal of approval.

Cross connections or back flow possibilities revealed by any inspection shall be eliminated before water service is provided to a new Customer or continued to an existing Customer. The District does

not assume responsibility for piping inspections and shall not be held liable for failure of Customer's piping or installation.

The District shall not be responsible for the stoppage or obstruction or breaks in facilities or lines of the customer.

Customer is required to have a Water Shutoff Valve installed between the meter and customer premises.

District is not responsible for excess pressure in lines and it is recommended that each customer have an operational Pressure Control Valve.

G. New Connections

The District shall determine the point of service to any premises.

Temporary Service:

- a. Each application for Temporary Service on a previously unimproved property shall be accompanied by a valid building permit issued by the appropriate authority. Upon approval, the District shall have a reasonable time thereafter to provide water service.
- b. A one time Water Meter Fee as specified in [Appendix A: Fee Schedule](#) shall be paid in advance of connection to the system. All Connections purchased, whether the meter is installed or not, will be subject to the minimum bill starting the first month from purchase date.
- c. A one time Water Utility Expansion Fee as specified in [Appendix A: Fee Schedule](#) shall be paid in advance of connection to the system.
- d. Temporary Service shall be limited to one year unless the applicant makes a written request for a six (6) month extension. No more than two (2) such extensions will be granted by the District.
- e. Service will be disconnected unless Temporary Service is converted to Permanent Service while the Temporary Service remains in effect.

Permanent service:

- a. Each application for Permanent Service on a property shall be accompanied by a valid Certificate of Occupancy issued by the authority which issued the building permit.

Each living unit and commercial unit shall be individually metered.

No more than one (1) service line shall be installed on the premises for any one customer unless agreed to by the District where special circumstances exist.

District's service laterals shall terminate at the property line and it shall be the owner's responsibility and expense to install a Water Shutoff Valve and to make the necessary connection from the District's service lateral to the building to be served. For those systems providing fire protection, the customer shall install a pressure regulating device.

Water service furnished by the District to any customer shall be used only in connection with such customer's residence or business to which the service is piped. No additional facilities, unit sites, or supplies shall be connected to the existing service, nor shall service be piped from on residence, business, or building to another without first obtaining written authorization from the District.

The District will endeavor to install meters as close as possible to the property line provided there is public access to the meter location.

All taps not physically installed, but paid for, shall be subject to any and all tap fee increases up to the time of installation.

Upon installation of a meter, the Fire Protection Fees for the calendar year shall be pro-rated to the month in which the meter is installed.

H. Base Charge and System Upgrade Fee(s).

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](#).

I. Use Charges

The owner of each property shall pay Usage Charges as specified in [Appendix A: Fee Schedule](#).

J. Water Service - Disconnection

Water service may be disconnected under any of the following conditions:

- 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.
- b. The District disconnects water service at the request of the owner. 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.
- 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.

K. Water Service - Reconnection

Water service may be reconnected under any of the following conditions:

- 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](#).
- 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](#).

L. Fire Protection and System Upgrade Fee(s).

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](#).

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.

Use of un-metered service for any purpose other than standby fire protection shall be a violation of this Ordinance.

M. System Upgrade Fee(s)

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.

N. Fees and Charges for users outside District limits.

The owner of each property outside the District boundaries, which is provided water by the District, shall pay Fees and Charges as specified in [Appendix A: Fee Schedule](#).

O. Interruptions of Service

The District agrees to use reasonable diligence in rendering continuous service and in furnishing a regular and uninterrupted supply of water, but the District does not guarantee continuous service and supply and shall not be liable for damages in case the supply should be interrupted or fail by reasons of an act of God, the public enemy, accidents, strikes, legal process, state, county or municipal interferences, breakdowns or damage to the machinery of supply, process and distribution, or any cause beyond the control of the District.

The District reserves the right to discontinue water service for the purpose of making connections or extensions, repairs, raising or lowering of its pipe, or for a alterations, improvements, repairs, emergencies, or in connection with its business and will not be liable for damages occasioned by interruption of, or reduction in, service when such interruptions or reductions are necessary to make repairs or changes in the District's transmission or distribution facilities. The District will endeavor to give reasonable notice in advance of any planned shutoff.

P. Limitation on use

The District reserves the right to limit each property to a maximum daily average use where circumstances warrant.

Q. Right of Ingress and Egress

Duly authorized agents or employees of the District, carrying proper credentials and identification, shall have free access at all reasonable hours to all parts of the premises of the customer for the purpose of inspection and testing, or for reading, changing, or removing its water meters. If such duly authorized agents or employees, after showing proper credentials and identifications, are refused admittance or hindered or prevented from making such inspections, the service may be discontinued until free access is given.

R. Leak credits.

Reference Period: Month same as leak month for up to the three most recent years the customer has owned the house. If the customer has owned the house for less than one year, the average of the two months previous to the leak month shall be used.

Reference Gallons: Monthly average of the gallons billed during the Reference Period

Eligibility:

- a. Gallon billed for one month exceeds three (3) times the Reference Gallons.
- b. The customer must write a letter requesting the credit including a detailed description of the leak and a copy of the plumber's bill showing the leak has been repaired.
- c. Customer must have a Water Shutoff Valve installed between the District meter and service entry to customer premises.
- d. Leak credits shall not exceed 100,000 gallons if the leak occurred during a period when Water Usage Restrictions (Section 18) were other than "Normal condition".

The District Board must authorize all leak credits.

Leak credit adjustments will be computed by subtracting Reference Gallons from the gallons billed for the adjustment period and multiplying the difference (not to exceed 100,000 gallons if the leak occurred during a period when Water Usage Restrictions (Section 18) were other than "Normal condition") by the current rate associated with the highest rate tier applied during the Reference Period.

S. Private Use of Fire Hydrants and Standpipes.

Connection to fire hydrants and standpipes at any location is prohibited except by written permit issued by the District and is subject to charges as specified in [Appendix A: Fee Schedule](#).

Connections to fire hydrants and standpipes will be permitted only at the fire hydrant or standpipe designated in the permit. Water taken from fire hydrants and standpipes shall be metered with a meter provided by the District.

Connections to fire hydrants and standpipes not in accordance with this section are a violation of this Ordinance.

T. Resale and Transfer of Water

Water provided by the District shall not be resold.

Water provided by the District shall be used at the site at which the meter is installed, or in the case of irrigation water, on the ALG&CC Golf Course.

U. Meters

All meters used in conjunction with metered service shall be installed, maintained, and owned by the District.

Entry into the meter can, including use of the District's meter shut-off valve, by the Customer or the Customer's agent is prohibited and is cause for disconnection of service.

Each meter shall be tested and in good order before being installed.

Upon request by the customer, the District shall make a test of the meter serving the customer and shall advise the customer that he may be present.

- a. If the customer wishes to be present, he should so notify the District at the time of his request for the meter test. The District shall give the customer reasonable advance notice as to the day, time, and place of the meter test.
- b. A report of the results of the test shall be made to the customer within a reasonable time after the completion of test, and a record of the report shall be kept on file at the District's offices.

- c. When a meter is found to be in excess of two percent (2%) error against the customer, the District shall refund an amount equal to the excess charge for the water incorrectly metered. The period of which the correction is to be made shall be the time of apparent failure; provided, however, the period shall not exceed six (6) months. No part of the Monthly Base Charge shall be refunded.
- d. When a meter is found to be in excess of two percent (2%) error in favor of the customer, the District shall bill an amount equal to the undercharge for the water incorrectly metered. The period of which the correction is to be made shall be the time of apparent failure; provided, however, the period shall not exceed six (6) months. The Customer will not be billed for incorrectly metered water for period between the request and the test if the interval exceeds are reasonable period of time under the circumstances.
- e. In the event of the stoppage or failure of the meter to registered the full amount of water consumed, the customer will be billed for such period from the time elapsed since the last previous test or the time of apparent failure provided however that the period shall not exceed six (6) months. Estimated consumption shall be based upon customer's use of water in a similar period of like use.
- f. The District reserves the right to test any meter at any time.

V. Flushing of Premises Lines

The District will allow a flushing credit when it becomes necessary to flush premises lines due to excessive sediment in the premises lines.

Limitations: no more than one Flushing Credit shall be allowed in any one billing period. Credit shall not exceed 1,500 gallons. Customer must have a Water Shutoff Valve installed between the District meter and service entry to customer premises.

Requirements:

- a. Customer must take meter reading prior to flushing and when flushing is complete.
- b. Before and after meter readings must be provided to the office within 24 hours.

The District Manager must authorize all flushing credits. Flushing credit adjustments will be computed by subtracting the flushing credit from the bill at the highest rate(s) used in calculating the bill.

Section 7 – Wastewater Service

A. Applicability

The regulations set forth herein shall apply to all property within the District.

B. Character of Service

Wastewater service will be provided where available. Customers are advised that the availability of wastewater service is limited and the District has no current plans to expand wastewater service.

Wastewater service for domestic, commercial, industrial, sanitary and other purposes will be furnished under conditions as stated herein and in any policies, rules and regulations adopted by the District Board. There shall be one connection for each "living unit" or "commercial unit." Service is to the property in question and all amounts due for service shall be liens on the property served

C. Connection Required.

Single family residences which do lie within four hundred (400) feet of the District's wastewater collection line may be connected to a State-approved on-site wastewater disposal system.

All occupied property in the District used for human habitation or occupancy which lies within four hundred (400) feet of the District's wastewater collection line shall be connected with the public sewer system; and no person shall maintain, use or operate a privy, cesspool or septic tank located on property which can be served by the public sewer system; provided that no person shall be required to cross the private property of any person to make such sewer connection.

A written or printed notice to connect with the public sewer system shall be given by order of the District Board to all owners or occupants of property which is not connected with the system but which is capable of being served by the public sewer system. Unless the time for connection is extended by the Board, all connections shall be made within 90 days after mailing of the required notice.

D. Customer piping

The piping system on Customer's premise shall be inspected and approved by the appropriate governmental inspection agency. Before wastewater service will be connected, proof of inspection is required with plumbing inspector's seal of approval. The District does not assume responsibility for piping inspections and shall not be held liable for failure of Customer's piping or installation.

The District shall not be responsible for the stoppage or obstruction or breaks in facilities or lines of the customer including yard lines.

E. New Connections

The District shall determine the point of service to any premises.

The District will endeavor to install sewer tap as close as possible to the property line provided there is public access to the sewer tap location.

A one time New Connection Fee as specified in [Appendix A: Fee Schedule](#) shall be paid in advance of connection to the system. All Connections purchased, whether the tap is installed or not, will be subject to the minimum bill starting the first month from purchase date.

All taps not physically installed, but paid for, shall be subject to any and all tap fee increases up to the time of installation.

Each application for service on a previously unimproved property shall be accompanied by a valid building permit issued by the appropriate authority. Upon approval, the District shall have a reasonable time thereafter to provide wastewater service.

Each living unit and commercial unit shall be individually connected to the District's mains.

No more than one (1) service line shall be installed on the premises for any one customer unless agreed to by the District where special circumstances exist.

District's service laterals shall terminate at the property line and it shall be the owner's responsibility and expense to make the necessary connection from the District's service lateral to the building to be served.

Wastewater service furnished by the District to any customer shall be used only in connection with such customer's residence or business to which the service is piped. No additional facilities, unit sites, or supplies shall be connected to the existing service, nor shall service be piped from on residence, business, or building to another without first obtaining written authorization from the District.

A one time New Sewer Connection Fee as specified in [Appendix A: Fee Schedule](#) shall be paid in advance of connection to the system. All Connections purchased will be subject to the minimum bill starting the first month from purchase date.

All connections not physically installed, but paid for, shall be subject to any and all connection fee increases up to the time of installation.

F. Base Charges

The owner of each property with a sewer connection paid for or installed (whichever first occurs) shall pay a Monthly Base charge as specified in [Appendix A: Fee Schedule](#).

G. Commodity Charge

The owner of each property shall pay a Commodity Charge as specified in [Appendix A: Fee Schedule](#).

The Commodity Charge shall be multiplied by the customer's average monthly water consumption measured in thousands of gallons. The customer's average monthly water consumption shall be determined annually in January of each year and shall be based on the customer's total water use during the prior calendar year divided by twelve (12).

H. Wastewater - Disconnection

If the District disconnects water service for non-payment, the property owner will continue to be liable for the Base Charge and Commodity charges.

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.

I. Wastewater - Reconnection

(deleted)

J. Fees and Charges for users outside District limits.

The owner of each property outside the District boundaries, which is provided wastewater by the District, shall pay Fees and Charges as specified in [Appendix A: Fee Schedule](#).

K. Interruptions of Service

The District reserves the right to discontinue water service for the purpose of making wastewater connections or extensions, repairs, raising or lowering of its pipe, or for alterations, improvements, repairs, emergencies, or in connection with its business and will not be liable for damages occasioned by interruption of, or reduction in, service when such interruptions or reductions are necessary to make repairs or changes in the District's wastewater facilities. The District will endeavor to give reasonable notice in advance of any planned shutoff.

L. Right of Ingress and Egress

Duly authorized agents or employees of the District, carrying proper credentials and identification, shall have free access at all reasonable hours to all parts of the premises of the customer for the purpose of inspection, testing, and repairs to the District's equipment and facilities. If such duly authorized agents or employees, after showing proper credentials and identifications, are refused admittance or hindered or prevented from making such inspections, the service may be discontinued until free access is given.

M. Discharge of runoff or groundwater.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage to any sanitary sewer.

N. Prohibited and Restricted discharges

The District reserves the right to limit the size of service connections or openings through which its service is furnished and to prohibit the customer's injection of excessive quantities of effluent which exceed or strain the capacity of the District to transport and or treat effluent for all customers. Noncompliance by any customer shall constitute grounds for discontinuing service.

No person shall discharge or cause to be discharged any of the following described liquids or wastes into any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any plants, create a public nuisance, or create any hazard in the receiving waters or the wastewater treatment works, including but not limited to cyanide in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
- c. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater treatment works, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- e. Any persistent pesticides or herbicides, such as dieldrin, aldrin, chlordane, endrin, heptachlor, toxaphene, lindane and BAC or other toxic refractory organic chemicals.

No person shall discharge or cause to be discharged the following described substances, waters or wastes into the sewerage system if it appears likely, in the opinion of the water and sewer department, that such wastes can harm the wastewater treatment works, can have an adverse effect on the receiving stream, or can otherwise endanger life, limb or public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the water and sewer department will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature and capacity of the wastewater treatment plant and other pertinent factors. The substances which must be considered include but are not limited to the following:

- a. Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit or 60 degrees Celsius at the service connection to the village's system.
- b. Any water or waste containing fats, grease, wax or oils, whether emulsified or not, in excess of 100 milligrams per liter, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 140 degrees Fahrenheit (zero degrees and 60 degrees Celsius).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally manufactured and sold for residential and noncommercial use will not be permitted without specific review and approval by the water and sewer department.
- d. Any whole blood, paunch manure, hair, fleshings or entrails.
- e. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated lathing solutions; such wastes cannot be discharged into the wastewater treatment works unless neutralized and approved by the water and sewer department for discharge.
- f. Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand; such wastes cannot be discharged into the wastewater treatment works if discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.
- g. Any waters or wastes containing phenols or other taste- or odor-producing substances in concentrations exceeding limits established by the water and sewer department, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies having jurisdiction over such discharge to the receiving waters.
- h. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the water and sewer department in compliance with applicable state and federal regulations.
- i. Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium chloride and sodium sulfate).
 - (2) Unusual chemical oxygen demand or biochemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
 - (3) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
 - (4) Slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of the wastewater treatment works.

- (5) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment works employed, or are amenable to treatment only to such degree that the effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

O. Grease, oil and sand traps.

Grease, oil and sand traps shall be provided and properly maintained by the owner when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients. These are subject to the following additional regulations:

- a. Such traps shall not be required for private living quarters or dwelling units.
- b. All traps installed shall be sized as required by the Uniform Plumbing Code as adopted by the State.
- c. All traps shall be located so as to be readily and easily accessible for cleaning and inspection.
- d. All traps shall be cleaned sufficiently often so as to prevent any discharge of grease, oil or sand into the sewer system and the owner of the premises shall keep records of the cleaning of all traps on the premises. These records shall be available for inspection by an authorized representative of the wastewater department during normal business hours.

Section 8 – Solid Waste Service (replaced)

A. Applicability

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.

B. Character of Service

Solid Waste service will be furnished under conditions as stated herein and in any policies, rules, and regulations adopted by the District Board.

C. Requirement to deposit all solid waste at Station

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.

D. Solid Waste Charges

The owner of each property with Permanent Water Service shall pay a Monthly Solid Waste Service charge as specified in [Appendix A: Fee Schedule](#). The charge will appear on the monthly billing for Water and Wastewater services.

E. Special Disposal Fees

The owner of each property shall pay Special Disposal Fees as specified in [Appendix A: Fee Schedule](#). Special Disposal Fees will be collected at the time service is rendered.

F. Fees and Charges for users outside District boundaries

The owner of each property outside the District Boundaries, which is provided water by the District, shall pay Fees and Charges as specified in [Appendix A: Fee Schedule](#).

G. Penalty for failure to dispose of solid waste

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.

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).

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.

Section 9 – RV and Trailer Space Rental

A. Applicability

The regulations set forth herein shall apply to the rental of RV and trailing parking space in the District's yard on High Mesa.

B. Character of Service

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.

Sections 10-17 Reserved for future use

Section 18 – Water Usage Restrictions

A. Purpose

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.

B. Applicability:

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.

C. Penalty Charge:

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.

D. Notice of Water Condition for next billing month:

The District Board will, at its regular monthly meeting on the 4th 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:

1. Notice posted at the District Offices
2. Condition updated on the District’s entry signs located on High Mesa Drive and Lakeshore Drive.
3. Email notice distributed to the Club (for redistribution via the Club’s email list), the ALG&CC Newsgroup, ALPOA, and public print and broadcast media.

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”.

E. Emergencies:

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.

Restrictions imposed between monthly Board meetings will not be subject to Penalty Charges for excess water use.

F. Normal condition:

Defined

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

Restrictions

- a. **Domestic and Commercial customers:** No restrictions on outdoor 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 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; customer shall pay the Penalty Charge established by the District Board on all use in excess of twenty five thousand (25,000) 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 350,000 gallons per day

I. Severe condition:

Defined

a. **Forecast delivery capacity:** less than 75% of 3 year average usage for month

Objective and restrictions: The objective is to reduce total system demand to 60% 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: 1st and 3rd Wednesday of each month

(b) Even address: 2nd and 4th Wednesday of each month

(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.

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 the 1st and 3rd Wednesday of each month.

c. **Irrigation customers:** Usage may not exceed 300,000 gallons per day

J. Extreme condition:

Defined: Declaration of emergency by District Board

Restrictions

a. **Domestic and Commercial customers:** All outdoor watering is prohibited.

b. **Irrigation customers:** Usage may not exceed 50,000 gallons per day

All customers: such additional conditions as may be required to protect the public health, safety and welfare.

K. Normal condition:

Defined

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

Restrictions

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

L. Moderate condition:

Defined

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

Restrictions

- d. **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
- e. **Irrigation customers:** Usage may not exceed 370,000 gallons per day

M. Serious condition:

Defined

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

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 only
 - (2) Even address: Saturday only
- b. **Irrigation customers:** Usage may not exceed 280,000 gallons per day

N. Severe condition:

Defined

- b. **Forecast delivery capacity:** less than 75% of 3 year average usage for month

Restrictions

- d. **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:

(3) Odd address: 1st and 3rd Wednesday of each month

(4) Even address: 2nd and 4th Wednesday of each month

a. Irrigation customers: Usage may not exceed 195,000 gallons per day

O. Extreme condition:

Defined: Declaration of emergency by District Board

Restrictions

b. Domestic and Commercial customers: All outdoor watering is prohibited.

c. Irrigation customers: Usage may not exceed 50,000 gallons per day

Section 19 – Water Conservation

A. Purpose

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.

B. Basis

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&SD and with customers served by the ALW&SD which lie outside the District's boundaries; however the ALW&SD does not warrant that provisions are identical.

C. Applicability:

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.

D. Interior water use

Reverse Osmosis and Filtration systems

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 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.

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.

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.

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 landscaped not to exceed 3000 gallons per month.
 - (c) The area to be landscaped is defined as the area enclosed by a single line drawn around the outside boundary of all landscaping.
 - (d) Each property shall be allowed a minimum of 400 gallons per month.
 - (2) The landscaping and irrigation system design specifications for common areas in R-2 Zones shall provide for water usage calculated as follows:
 - (a) Common area(s) are required to be platted and recorded as owned in common by specific dwelling units. Landscaping and irrigation for multiple common areas under identical ownership shall be combined for the purposes of calculating permitted irrigation. Minimum and maximum allowances below shall be multiplied by the number of dwelling units.
 - (b) 0.1 gallon per month per square foot to be landscaped not to exceed 500 gallons per month when landscaping is established.
 - (c) For a maximum of four months while landscaping is getting established, 0.3 gallon per month per square foot to be landscaped not to exceed 1,500 gallons per month.

- (d) The area to be landscaped in each common area is defined as the area enclosed by a single line drawn around the outside boundary of all landscaping.
- (e) A minimum of 200 gallons per month shall be allowed for each dwelling unit.
- (f) Examples:
 - (i) Minimum gallons: 10 dwelling units times 200 gallons per month equals minimum of 2,000 gallons per month.
 - (ii) Maximum gallons: 10 dwelling units times 500 gallons per month equals maximum of 5,000 gallons per month.

Prohibited Systems

- a. Broadcast irrigation systems and all other irrigation systems that are designed to apply more than the gallonage allowed under Permitted Systems.

System Requirements. All irrigation systems which are connected to the potable water system must meet the following additional requirements:

- 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.
- b. An automatic rain sensor (see definition) is required. The device shall be mounted outdoors where it will be exposed to unobstructed rainfall.
- c. Compliance with all Federal, State, and Water & Sanitation District regulations.
- d. Compliance with the New Mexico Plumbing Code.

Nonconforming Irrigation Systems Amortization Provision

- a. The “Nonconforming Irrigation Systems Amortization Provision” adopted by ALSZD provides as follows:
 - (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.
 - (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 0 above.
 - (3) Any nonconforming irrigation system, which is substantially damaged, destroyed, replaced, or redesigned, shall be brought into conformity with this ordinance.
- b. The ALW&SD Board hereby adopts the above provisions including the sunset dates as follows:
 - (1) The date for compliance with System Requirements is December 31, 2009.
 - (2) The date for full compliance is December 31, 2016.

Section 20 – Service: Establishing, Changing, Discontinuing

A. Purpose

Establish requirements and procedures for establishing, transferring, and canceling services provided by the District.

B. Application for service

All applications for water, wastewater, and solid waste service shall be made on forms promulgated by the District.

The District shall not be required to provide service to any property until all accrued charges for the property have been paid. A statement will be furnished upon request of the property owner.

All provisions of this Ordinance and any policies, rules and regulations of the District Directors shall be considered a part of the contract of every person taking water from the water system of the District and every person taking water shall be considered as having expressly consented to be bound thereby.

C. Facility extensions

Applications for facility extension shall include plans and specifications that show all mains, service lines, fireplugs, and construction details. The installation shall equal or exceed standards set forth in all applicable policies, rules, regulations, codes and law and all requirements of the District.

Water service extensions will be limited to available capacity in water rights, production, transmission, and distribution facilities.

Wastewater service extensions will be limited to available capacity in wastewater collection and treatment facilities.

Each facility extension shall be made under a specific contract. All contract terms shall be such that no adverse financial burden will be imposed on existing customers. This means that the effect of a specific contract shall not cause an increase in rates for service to existing customers.

- a. All lines shall be installed in existing public roads, alleys, or easements. The applicant shall furnish such rights-of-way as required, without charge, to the District.
- b. All line extensions shall be sized to provide adequate water, wastewater and fire protection service. The District shall have the final decision in the design of line extensions.
- c. The District's cost to construct the line extension will be paid in full by the applicant requesting the extension or will be constructed by the applicant, to District specifications, and will be transferred to the District without charge. Where the District is to construct the lines, the applicant shall be required to deposit with the District, sufficient funds to cover the costs of extending service.
- d. Facilities constructed by the applicant shall not be accepted by the District until inspected by the District and found to comply with District specifications.
- e. In cases where a line extension will be installed along property owned by others who will benefit from the extension, the contract may provide for a per-connection reimbursement to the applicant. The actual reimbursement for each connection shall not exceed the District's connection fee. The applicant's right to receive a refund shall terminate ten (10) years following the date the line extension is put into service.

D. Transfer of Service

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 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.

When ownership of a property receiving one or more services from the District changes, a Reconnection Fee as specified in [Appendix A: Fee Schedule](#) shall be paid by the new owner.

E. Permanent Discontinuance of service

Water, Wastewater, and Solid Waste service shall be discontinued in accordance with the provisions for each type of service.

F. Restoration of service

Water, Wastewater, and Solid Waste service shall be restored in accordance with the provisions for each type of service.

Section 21 – Billing, Payment, and Deposits

A. Rendering of Bills

Bills for residential service will be rendered monthly. Bills for services to vacant lots will be rendered quarterly.

B. Estimated use

In the event of the stoppage of, or the failure by any meter to register the full amount of water consumed, or inaccessibility of the meter, or failure by the District to read the meter, the Customer will be billed for such period on an estimated consumption based upon the use of water in a similar period of like use.

The District shall not render a bill based on estimated use for more than two (2) consecutive periods without the consent of the customer.

If the District underestimates use, the customer shall be given the opportunity to participate in an installment payment plan with respect to the underestimated amount.

C. Responsibility for Charges

The property owner will be responsible for all fees charged by the District.

With respect to rental or leased property, the landlord property owner will be responsible for all fees in excess of the deposit.

Temporary and special services shall be charged based on the determination of the Superintendent.

D. Taxes, fees and charges added to billing

Billings will be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees or charges (exclusive of ad valorem, state and federal income taxes) payable by the utility and levied or assessed by any governmental authority on the service rendered, or on the right or privilege of rendering the service or on any event incidental to the rendition of the service.

E. Payment of Bills

All bills shall become due on and delinquent after the due date specified on the bill which shall be not less than twenty (20) calendar days from the date of mailing. If the last day for payment of a bill falls on a day when the District offices are not open to the general public, the due date shall be extended through the next business day.

If not timely paid, a Late Payment Fee will be assessed as specified in [Appendix A: Fee Schedule](#).

In the event a Customer's check or bank draft is returned for insufficient funds, the District shall apply to the Customer's account balance, an Insufficient Funds Fee as specified in [Appendix A: Fee Schedule](#).

In the event the District must visit the Customer premises to collect delinquent charges, the District shall apply to the Customer's account balance, a Premises Collection Fee as specified in [Appendix A: Fee Schedule](#).

F. Disputed Bills

The District agrees to investigate any question as to accuracy of metering or of bills for service rendered, and if the bill is in error, the District shall submit a corrected bill to the customer as promptly as circumstances permit.

In the event the customer disputes the amount of a bill for services rendered, the District shall promptly make a complete investigation of the matter and, if the bill is correct, use its best efforts to explain the questionable points to the customer.

When a customer complains about a meter and the District does a meter test the customer will be charged a Meter Test Fee as specified in [Appendix A: Fee Schedule](#) for each meter test if the meter does not test in excess of 2% fast or slow and if the meter has been tested within the last 12 months.

G. Lien for charges

The District shall have a lien on each lot or parcel of land served by the District for all charges made or imposed and for all charges for all services rendered or made available plus interest at the maximum statutory rate. Notice of such liens shall be filed and liens shall be enforced as authorized by statute.

H. Security Deposits

A Security Deposit will be required if the applicant or any other person residing at the point of service has previously been disconnected by the District for non-payment, service will not be provided without a deposit.

Each customer posting a security deposit shall be provided with a receipt which states: the name of the customer, date of payment, amount of deposit, and a statement of the terms and conditions governing the payment, retention, interest, and return of deposits.

The minimum amount of a deposit when required will be equal to the charges for two billing periods based upon the District's estimate of the Customer's monthly bill.

The Security Deposit shall bear interest at the rate not less than that required by law and shall cease to bear interest on the date it is returned.

The Security Deposit shall be refunded if the customer has not been delinquent for the twelve (12) monthly billing periods following the date of deposit.

I. Delinquency procedures

Disconnection of service

Water and wastewater service shall be disconnected at such time as water and/or wastewater bills become two (2) months delinquent.

Filing of liens

Liens for delinquent water and wastewater service shall be filed at such time as water and/or wastewater bills become five (5) months delinquent.

Liens for delinquent Fire Protection Service shall be filed at such time as Fire Protection bills become twelve (12) months delinquent or exceed one hundred twenty-five dollars (\$125.00)

Liens shall carry the maximum interest rate allowable by law.

Foreclosure

Liens for delinquent service shall be foreclosed not more than eighteen (18) months following the date on which the lien is filed

Section 22 – Service: Involuntary Termination

A. Purpose

Establish requirements and procedures for involuntary termination of water, wastewater, and other services by the District.

B. Cause

Failure to timely pay all water, wastewater, and solid waste fees, charges, deposits, penalties, interest or any other amounts due the District shall be cause for termination of service.

Customer's failure to comply with the provisions of this Ordinance.

C. Notification

A customer shall be given fifteen (15) calendar days written notice of termination. Notice shall be delivered to the customer in person or by mail to the customer's billing address and shall include:

- a. The reasons for termination
- b. The customer's rights relating to termination of service
- c. The title(s), address, phone number, and working hours of the District personnel responsible for carrying out the customer's rights.
- d. The amount owed and the date by which the customer must either pay the amount due or make other arrangements with the District
- e. A statement that the District will not discontinue water service to any residence where a seriously ill person resides or person whose life may be endangered by termination of water service providing the District is provided with evidence from a practitioner of the healing arts.

The following shall be cause for termination earlier than the fifteen (15) days provided above.

- a. Without notice for a condition determined by the District to be hazardous.
- b. Without notice for use of equipment in such manner as to adversely affect the District's equipment or the District's service to others.
- c. Without notice for tampering with, damaging, or destroying the equipment furnished and owned by the District.
- d. Without notice in the event of unauthorized use.
- e. Without notice for by-passing a meter or otherwise interfering with the proper registration of water used. The water service shall not be reconnected until the bypass is removed and payment is made for any damages resulting from the installation and for the value of estimated water service for the period during which the meter was tampered with has been made. Added thereto shall be a penalty equal to 100% of same amount.
- f. Without notice for failure of the Customer to permit the District reasonable access to its equipment.

- g. Without notice for failure of the Customer to permit the District reasonable access to inspect and test lines for leaks and unauthorized connections.
- h. Without notice for use of the District's curb or meter shut-off valve by Customer or Customer's agent.
- i. If the District finds evidence of waste of water by a Customer, the District will advise the Customer of such condition. If after a reasonable time corrections or repairs have not been made by the Customer, the District shall discontinue service to the offending Customer.
- j. If the District finds evidence of non-compliance with Water Conservation provisions of this Ordinance, the District will advise the Customer of such condition. If after a reasonable time corrections or repairs have not been made by the Customer, the District shall discontinue service to the offending Customer.

D. Appeal

It is recognized that a Customer may disagree with the notice of termination and may file a letter of appeal with the District office. . The filing of a good faith letter of appeal shall stay termination of service until the District Board of Directors makes a decision which will be final, binding and not subject to appeal. This prohibition against termination pending final action on a complaint shall not apply unless a dispute is in good faith.

E. Plan of payment

The District shall attempt to arrange with every non-chronically delinquent residential customer who expresses an inability to pay his charges, a deferred payment plan for the payment of past due charges. The plan need not be signed by both parties, however, the District shall maintain a record of the essential provisions of the plan which record shall be conclusive as to the plan agreed upon. In the event the customer fails to comply with the plan agreed upon, then the District shall terminate service; however, not until after giving five (5) days written notice of termination.

In the event any customer complains that either (a) a proposed repayment plan is unreasonable, (b) a charge is not due and owing, or (c) he has not violated any agreed upon repayment plan, then in such event a review of such customer's complaint shall be conducted by the District. The review shall be conducted by the District Superintendent or any person appointed by him who has the authority to rescind the termination order, correct charges, extend a repayment plan, or to take other appropriate action that he may deem appropriate. The reviewing person shall take all circumstances into consideration and shall use his discretion in the review and try to accommodate Customer's who are in a temporarily difficult financial position and attempt to be fair and equitable, but not to allow Customer's who are unwilling to make a good faith effort to pay their utility charges to take advantage of the District and to assure that just and due bills are paid so as to avoid subsidization by those Customer's who pay readily of those Customer's who fail to do so.

F. Termination

Except as otherwise provided, if Customer's default is not cured the date specified in the Termination Notice, then service may be terminated on or after the date specified which shall be at least fifteen (15) days after the Termination Notice was mailed.

Utility service may not be discontinued less than twenty-four (24) hours prior to a holiday or weekend.

The District shall charge a Disconnect fee as set forth in [Appendix A: Fee Schedule](#) for each disconnection of service.

G. Restoration of service

Service shall be restored only upon payment of the delinquent amounts plus the cost of reconnection or any additional deposits required.

The District shall charge a Reconnection fee as set forth in [Appendix A: Fee Schedule](#) for each reconnection of service.

Sections 23-29 Reserved for future use

Section 30 – Administration

A. Powers and Duties of the Board

The District Board shall administer this ordinance. In furtherance of said authority, the Board shall:

- a. Investigate and approve or not approve applications for service.
- b. Review and set rates for service.
- c. Adopt policies, resolutions, rules and regulations as it may deem necessary for operation of the system.

B. Rate Setting

Effective with the beginning of each Fiscal Year, the District Board shall adjust all rates for changes in the Urban Cost Of Living Index occurring since the beginning of the previous Fiscal Year or the last rate adjustment, which ever shall have last occurred.

District Board shall periodically review all costs and rates and shall adjust rates to insure that each class of customer is carrying its share of costs, debt service, and reserves.

The rates, tolls, fees and charges in [Appendix A: Fee Schedule](#) may be amended by the District Board by Resolution pursuant to the provisions of Chapter 241 Laws of N.M. 2009.

C. Powers and Duties of the District Manager

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 system, subject to the duly adopted policies of the Board of Directors.

Section 31 – Amendments

- A. The District Board may, from time to time, upon motion made by a Board Member, amend, supplement, or change the ordinance. The District Board shall advertise notice of any proposed amendment, supplement, or change of applicant in a form approved by the District Board.

Section 32 – Enforcement and Penalties

A. General

The District Board is the enforcement authority to enforce this ordinance.

Any permit, license, or certificate issued by any other body, which is in conflict with this ordinance, shall be null and void.

B. Complaints

Public Records Inspection Act All written records of the District are open to public inspection with limited exceptions as provided by NMSA 1978, Chapter 14, Article 2.

Form of Complaint A complainant may contact the District Office by phone, email, web-form, or letter to report a service problem or an alleged violation of the Ordinance. All information provided will become a part of the public record.

Investigation

- a. A District employee will investigate the complaint as soon as practically possible.
- b. Ordinance violations that can be readily observed from a public right-of-way or from an adjacent property to which the District has been granted access will be documented by the employee and become subject to enforcement action.
- c. Violations that can not be readily observed from a public right-of-way or from an adjacent property to which District has been granted access will require probable cause to gain entry to the premises on which the alleged violation is taking place.

C. Enforcement:

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, a District employee, agent or designee may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the District Board by this ordinance. If such building or premises is occupied at the time of the inspection, the agent or designee shall first present proper identification and request entry. If such building or premises is unoccupied, the agent or designee shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the District employee, agent or designee for the purpose of inspection and examination pursuant to this ordinance.

If entry is refused, the District shall proceed to obtain a search warrant by filing a complaint with the appropriate Lincoln County Court upon oath or affirmation. The complaint shall:

- a. set forth the particular building, premises, or portion thereof sought to be inspected
- b. state that the owner or occupant of the building, premises, or portion thereof, has refused entry
- c. state that inspection of the building, premises, or portion thereof is necessary to determine whether it complies with the requirements of this ordinance
- d. set forth the particular provisions of this ordinance sought to be enforced
- e. set forth any other reason necessitating the inspection, including knowledge or belief that a particular condition exists in the building, premises, or portion thereof which constitutes a violation of this ordinance

f. state that the Water & Sanitation District's employee or agent is authorized to make the inspection

g. shall provide that a commissioned law enforcement officer shall accompany authorized entry.

This ordinance shall not be construed to hold the District Board or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or by reason of issuing a zoning district permit as herein provided

D. Penalties

Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$300.00 or imprisonment in the County Jail for a period not exceeding 90 days, or both fine and imprisonment. Each act in violation and each day upon which any such violation shall occur constitutes a separate offense.

The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any ordinance section, whether or not such penalty is reenacted in the amendatory ordinance.

In addition to the penalty prescribed above, the District Board may pursue other remedies.

Appendices, Figures and Attachments

Appendix A: Fee Schedule

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