

ORDINANCE NO.1098

AMENDING CHAPTER 30 (UTILITIES), ARTICLE II (RATES AND CHARGES), SECTION 30-38 (WATER ACQUISITION FEE), SECTION 30-40 (SEWER TAP FEES), AND SECTION 30-45 (SANITARY SEWER RATES) OF THE CODE OF ORDINANCES OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO

WHEREAS, Sections 30-38, 30-40, and 30-45 of the Code of Ordinances of the Town of Silver City regulate water acquisition fees, sewer development fees, and sanitary sewer rates for customers inside as well as outside the limits of the Town; and

WHEREAS, continuous growth has created increased requirements for water, sewer and wastewater treatment infrastructure; and

WHEREAS, the Town Council wishes to ensure that such new infrastructure is paid for by those responsible for the growth, and has determined that the best method to accomplish this is through increasing water acquisition, sewer development fees, and sanitary service rates; and

WHEREAS, through the Town's efforts to extend sewer service to all residents of the Town, as well as to stay in compliance with State and Federal regulations governing the Town's wastewater treatment plant, the Town has had to acquire debt; and

WHEREAS, Section 30-45 of the Code of Ordinance of the Town of Silver City requires that there shall be an annual rate review to ensure that sanitary sewer rates are sufficient to recover enough revenues to provide for the operations and maintenance costs; and

WHEREAS, due to the increased amount of debt the Town has obtained for the sewer system, it has been determined that the sanitary sewer rates must be increased to meet the additional debt service.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, NEW MEXICO THAT THE CODE OF ORDINANCES OF THE TOWN OF SILVER CITY BE AMENDED AS FOLLOWS:

Delete in its entirety the contents of Section 30-38 and replace with:

Sec. 30-38. Water acquisition fee.

- (a) *Inside City*. There is hereby established a water acquisition permit fee of one thousand three hundred dollars (\$1,300) immediately. This amount shall increase by fifty dollars (\$50) per year for the five (5) years following the effective date of this ordinance. The annual increase will be effective each year on the first day of July, and will be in addition to the existing fees and charges for materials and labor for the water tap and meter installation. This fee will apply to each single family residential water use connection or tap, and to commercial and other than single-family water use for each

one-half (1/2) acre foot of water determined by the City Manager adequate to meet the other than single-family use.

- (b) *Outside City.* There is hereby established a water acquisition permit fee of two thousand fifty dollars (\$2,050) immediately. This amount shall increase by fifty dollars (\$50) per year for the five (5) years following the effective date of this ordinance. The annual increase will be effective each year on the first day of July, and will be in addition to the existing fees and charges for materials and labor for the water tap and meter installation. This fee will apply to each extraterritorial single-family residential water use connection or tap, and to commercial and other than single-family water use for each one-half (1/2) acre foot of water determined by the City Manager adequate to meet the other than single-family use. In the alternative, the Council hereby imposes the requirement fee for the acquisition and transfer to the Town, including all expenses, of one half (1/2) acre of water rights for each single-family residential water request or comparable commercial or other than single-family unit request or comparable commercial or other than single-family unit request; such alternative to be required when, in the judgment of the City Manager, water rights available to the Town are not adequate to fulfill additional extraterritorial requests and to meet water services needs within the boundaries of the Town.

Delete in its entirety the contents of Section 30-40 and replace with:

Sec. 30-40. Sewer tap fees.

The following charges shall be made for the purchase of a sewer tap to the Town's sanitary sewerage system within or without the Town limits:

- (1) For each single-family residential service connection, there shall be assessed a sewer development fee of one thousand fifty dollars (\$1,050) immediately. This amount shall increase by fifty dollars (\$50) per year for the five (5) years following the effective date of this ordinance. The annual increase will be effective each year on the first of July, and will be in addition to existing fees and charges for materials and labor for the main tap and lateral inspection.
- (2) For multi-unit structures there shall be assessed a sewer development fee and tap fee, in addition to existing fees and charges for materials and labor for the main tap and lateral inspection, based upon the following schedule:

No. of Units

1	\$1,050 immediately plus \$50 per year for five years on July 1 st .
2	An additional \$1,000 plus \$50 per year for five years on July 1 st .
3	An additional \$950 plus \$50 per year for five years on July 1 st .
4 thru 10	An additional \$900 each plus \$50 per year for five years on July 1 st .
11 or more	An additional \$850 each plus \$50 per year for five years on July 1 st .

For the purpose of this section, mobile home parks shall be treated as multi-unit residential structures.

- (3) For commercial industrial businesses there shall be assessed a sewer development fee and tap fee, in addition to existing fees and charges for materials and labor for the main tap and lateral inspection, at the rate of seventy dollars (\$70), plus five dollars (\$5) per year for five (5) years on July 1st, per fixture unit as determined by the applicable portions of Table 4-1 of the Uniform Plumbing Code as set forth below, with the minimum fee set at one thousand fifty dollars (\$1,050) plus fifty dollars \$50 per year for five (5) years on July 1st, regardless of the number of fixture units within the commercial or industrial business.

<i>Kind of Fixture</i>	<i>Fixture Units Per Fixture</i>
Bathtub	2
Bidet	2
Dental unit or cuspidor	1
Drinking fountain	1
Floor drain	2
Interceptor for grease, oil, solids, etc.	3
Laundry tub	2
Clothes washer	2
Receptor (floor sink), indirect waste receptor for refrigerator, coffee urn, water station, etc.	1
Receptor, indirect waste receptor for commercial sink, dishwasher, air washer, etc.	3
Shower, single stall	2
Shower, gang, per head	1
Sink, bar, private (1 ½ or 38.1 mm min. waste)	1
Sink, bar, commercial (2" or 50.8 mm min. waste)	2
Sink, commercial or industrial, schools, etc., including dishwashers, wash up sink and wash fountain (2" or 50.8 mm min. waste)	3
Sink, flushing rim, clinic	6
Sink, service	3
Urinal, pedestal, trap arm only	6
Urinal, stall	2
Urinal, wall (2" or 50.8 mm min. waste)	3
Wash basin or lavatory, single	1
Wash basin in sets	2
Water closet, private installation, trap arm only	6

- (4) The charge for installing a service line, any charge for patching of pavement required because of installation of service line, and any other related charges shall be determined by the Town Engineer based upon actual construction costs.

Delete Section 30-45 (a) and replace with:

Sec. 30-45. Sanitary Sewer Rates.

- (a) The monthly rates or charges for sewer service furnished inside the Town limits shall be as follows:

Residential and Commercial uses:

- a. Sewer users with water service. Effective immediately, a basic fee of eight dollars (\$8.00) per month shall be charged for all services connected to the town sanitary sewer system with water service. On July 1, 2005, the basic fee shall increase to eight dollars and fifty cents (\$8.50) per month for all services connected to the Town sanitary sewer system with water services. In addition to the base fee, a charge of one dollar and twenty-five cents (\$1.25) per thousand (1,000) gallons of metered water per month, based upon the previous winter monthly consumptive average, for the months of December, January and February. On July 1, 2005, this fee shall increase to one dollar and fifty cents (\$1.50).
- b. Sewer users without water service. Sewer users without water service are deemed to use six thousand (6,000) gallons of metered water per month. Therefore, sewer users without water service shall be charged the base rate of eight dollars (\$8.00) per month plus an additional charge of seven dollars and fifty cents (\$7.50), or a total of fifteen dollars and fifty cents (\$15.50) per month. Effective July 1, 2005, the base rate shall increase to nine dollars (\$9.00) and the additional charge shall increase to nine dollars (\$9.00) for a monthly total of eighteen dollars (\$18.00).

PASSED, ADOPTED, AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 8th day of June 2004.

Terry Fortenberry, Mayor

(SEAL)

Attest:

Jane Toomajianian, Town Clerk