

CITY OF BLOOMFIELD, NEW MEXICO  
Notice of Intent to Adopt Ordinance

The City of Bloomfield, New Mexico, hereby gives notices of the City Council meeting for Monday, December 12, 2016 at 6:00pm at 915 N First Street, Bloomfield, New Mexico. At such meeting the City Council will hold a public hearing concerning and will consider for adoption the Ordinance described below. Complete copies of the proposed Ordinance are available for public inspection during the normal and regular business hours of the City Clerk, 915 N. First Street, Bloomfield, New Mexico. The title to this Ordinance is:

**ORDINANCE NO. 475**

**AN ORDINANCE AMENDING ORDINANCE NOS. 54, 107, 126, 127, 135, 148, 159, 168, 173, 175, 182, 184, 197, 200, 206, 210, 212, 241, 243, 244, 250, 278, 286, 287, 288, 306, 308, 315, 330, 352, 353, 369, 387B, 388, 393, 402, 418 424, RELATING TO THE CITY OF BLOOMFIELD UTILITIES.**

**WHEREAS**, Chapter Eighteen (18) of the Bloomfield Municipal Code governs utilities within the City of Bloomfield; and

**WHEREAS**, the City of Bloomfield desires to revise and update the following provisions contained within Chapter Eighteen (18) of the Bloomfield Municipal Code.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BLOOMFIELD THAT THE FOLLOWING REVISIONS AND ADDITIONS TO CHAPTER EIGHTEEN (18) OF THE BLOOMFIELD MUNICIPAL CODE BE IN FULL FORCE AND EFFECT UPON ADOPTION OF THIS ORDINANCE. OTHER THAN THE CHANGES SET FORTH HEREIN, ALL OTHER PROVISIONS CONTAINED IN CHAPTER EIGHTEEN (18) REMAIN IN FULL FORCE AND EFFECT:**

Section 18-16. Definitions.

The following definition is added to the existing definitions contained in Section 18-16:

*“Capital Replacement Charge:* A flat rate charge per customer account deposited in a separate City revenue account and restricted to funding capital projects (engineering and construction expenditures) and capital equipment purchases for the utility systems and/or to pay down existing debt on these utility systems.”

Except for the changes set forth above, the provisions of 18-16 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-18. - Water rates.

“The following rate structure has been approved on \_\_\_\_\_, 2016, at a regular meeting; the new schedule will be effective \_\_\_\_\_, 2016:

Meter Size	Base Rate	Per 1,000 Gal.
3/4" meter	\$ 16.62	\$4.57
3/4" meter senior	\$ 10.68	\$4.57
1" meter	\$ 42.74	\$4.57
2" meter	\$ 90.24	\$4.57
3" meter	\$119.92	\$4.57
4" meter	\$167.42	\$4.57
Outside City		
3/4" meter	\$ 24.34	\$6.86
3/4" meter senior	\$ 10.68	\$6.86
1" meter	\$ 63.52	\$6.86
2" meter	\$134.76	\$6.86
3" meter	\$179.30	\$6.86
4" meter	\$250.54	\$6.86
Hydrant	\$ 17.96	\$9.43

A Capital Replacement Charge of \$2.50 per month for each customer account is hereby made a part of the current rate structure.”

Sec. 18-18. – Water rates.

“(c) Annual review of water rates. The water rate structure shall be adjusted annually as part of the municipal budget adoption process by an amount equal to the seasonally adjusted Consumer Price Index (as defined below) and/or a review of the water utility system budget, rate structure, and capital improvements/equipment needs to assess the need for adjustment in the water utility system. The Bloomfield City Council shall take action deemed necessary to ensure the efficient operations of the water utility system.

Water rates shall be adjusted annually based upon the average increase/decrease in the seasonally adjusted All Urban Consumer Price Index (CPI-U) as reported by the U.S. Department of Labor’s Bureau of Labor Statistics. This average shall be based upon the index’s annual, percentage increases/decreases from 1913 to the end of the most current calendar year. This adjustment shall be effective with the first, utility billing cycle after adoption by the City Council.”

Except for the changes set forth above, the provisions of 18-18 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-22. - Deposits and new account charges required of users.

“(a) Applicants and/or Property Owners of the City utilities shall be required to deposit with the City Treasurer, a sum of seventy-five dollars (\$75.00) for residential (homeowners) users and one hundred dollars (\$100.00) for commercial/industrial users and tenants of residential, commercial, and industrial properties. The money so deposited with the city treasurer shall be treated as a special deposit fund, to guarantee the city against the loss of utility revenues, which fund shall be drawn on only in the event the applicant and/or property owner making a deposit fails to pay the utility bill as the same become due; provided that the sums so deposited by the different consumers shall be returned to the consumers at the termination of their use of the city utilities, if such deposit has not been used in the payment of accrued billings. Beginning July 1, 1992, the city treasurer shall refund said deposits to the applicant who placed the deposit provided that a good credit history has been established and maintained for two (2) concurrent years. Determination of a good credit history shall be made by the clerks of the utility department based in the account never receiving a delinquent notice, “red tag” utility disconnect, notice of arrears, or being turned over to a collection agency for non-payment. In the event a previous account remains unpaid, any new connection will not be allowed until that account is paid in full and a deposit of one hundred fifty dollars (\$150.00) will be required.

(b) Applicants and/or Property Owners of the city water utility shall be required, before service is begun, to pay a new account set-up charge in the amount of thirty dollars (\$30.00). A new account set-up charge will be due and owing upon the establishment of any new account, regardless of whether service has been provided to the requested address before or not.

(c) Any charge imposed by ordinance for utility services rendered by the City shall be: (1) payable by the owner, personally, at the time the charge accrues and becomes due; and (2) a lien upon the tract or parcel of land being served from such time. However, this subsection (c) of this section shall not apply if an owner notifies the City that utility charges that may be incurred by a renter will not be the responsibility of the owner. Such notification shall be given in writing prior to the initiation of the debt and shall include the location of the rental property. Such a written notification shall be given by the owner to the City each time a new tenant occupies the property.”

Except for the changes set forth above, the provisions of 18-22 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-25. - Reading meters.

“The City shall have two options as far as utility billings are concerned, and the City Manager or his/her designee shall determine the appropriate option based upon the City’s manpower, costs, and billing system capabilities:

(1) The utility billings may be done in two (2), monthly cycles. The first cycle will be billed on the fifteenth of the every month and the second cycle on the thirtieth of every month. The customer has ten (10) days from the billing date in which to pay the bill to avoid penalty; or

(2) The utility billings may be done in one (1) cycle, with this cycle being billed on the thirtieth of the month. The customer has ten (10) days from billing date in which to pay the bill to avoid penalty.”

Except for the changes set forth above, the provisions of 18-25 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-26. - Water connection required.

“(a) It shall be unlawful for any person to use a dwelling or any other place for the purposes of a dwelling unless: (1) the dwelling or place is connected to the city water utility system in compliance with this article; (2) the occupant of the property establishes an account with the Utilities Office for the purpose of furnishing water to the dwelling; and (3) the dwelling place is actually actively receiving water from the city water utility system. It shall be unlawful for any person to use a commercial or industrial place for any purpose unless: (1) the commercial or industrial place is connected to the city water utility system in compliance with this article; (2) the occupant of the property establishes an account with the Utilities Office for the purpose of furnishing water to the dwelling; and (3) the commercial or industrial place is actually actively receiving water from the city water utility system.

(b) It shall be unlawful for any owner of any dwelling or other place used as a dwelling to allow such dwelling or place to be used as a dwelling unless: (1) the dwelling or place is connected to the city water utility system in compliance with this article; (2) the owner of the property establishes an account with the Utilities Office for the purpose of furnishing water to the dwelling; and (3) the dwelling place is actually actively receiving water from the city water utility system. the dwelling or place is connected to the city utility system. It shall be unlawful for any owner to allow the use of a commercial or industrial place for any purpose unless: (1) the commercial or industrial place is connected to the city water utility system in compliance with this article; (2) the owner of the property establishes an account with the Utilities Office for the purpose of furnishing water to the dwelling; and (3) the commercial or industrial place is actually actively receiving water from the city water utility system.”

Except for the changes set forth above, the provisions of 18-26 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-29. - Water waste.

Penalties and violation fees:

First violation: Twenty-five dollar (\$25.00) fine.

Second violation: Sixty dollar (\$60.00) fine.

Third through fifth violation: One hundred and twenty-five dollars (\$125.00) fine per violation.

Sixth through eighth violation: Two hundred and fifty dollars (\$250.00) fine per violation.

Ninth or more violations the application of a flow restriction device at the meter. This device will not be removed until the violation has ceased or a water variance is granted.

Fees and or fines will be listed as a separate line item on the water bill. All penalty fees and or fine must be paid in full within the normal payment period allowed by the water billing system.”

Except for the changes set forth above, the provisions of 18-29 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-30. – Lien for Unpaid Water Charges.

“All unpaid water unit charges, levied and collectible under the provisions of Chapter Eighteen (18) of the Bloomfield Municipal Code, are hereby declared to be a lien upon the property benefitted from the connection of the water unit to the water system of the city, provided the lien shall not be enforceable until a declaration of lien claim is filed with the county clerk after the date of the connection of the water unit to the water system of the city, and provided further, that the lien claim shall describe the property against which the lien is claimed, shall set forth the amount of the claim, and shall state the date of connection.”

“Sec. 18-36. - Connection to sewer system required.

(d) It shall be unlawful for any person to use a dwelling or any other place for the purposes of a dwelling unless: (1) the dwelling or place is connected to the city wastewater utility system in compliance with this article; (2) the occupant of the property establishes an account with the Utilities Office for the purpose of furnishing wastewater service to the dwelling; and (3) the dwelling place is actually actively receiving wastewater service from the city wastewater utility system. It shall be unlawful for any person to use a commercial or industrial place for any purpose unless: (1) the commercial or industrial place is connected to the city wastewater utility system in compliance with this article; (2) the occupant of the property establishes an account with the Utilities Office for the purpose of furnishing wastewater to the dwelling; and (3) the commercial or industrial place is actually actively receiving wastewater service from the city wastewater utility system.

(e) It shall be unlawful for any owner of any dwelling or other place used as a dwelling to allow such dwelling or place to be used as a dwelling unless: (1) the dwelling or place is connected to the city wastewater utility system in compliance with this article; (2) the owner of the property establishes an account with the Utilities Office for the purpose of furnishing wastewater to the dwelling; and (3) the dwelling place is actually actively receiving wastewater from the city water utility system.”

Except for the changes set forth above, the provisions of 18-36 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-54. - Sewer user rates.

“(a) The following rate structure has been approved on \_\_\_\_\_, 2016, at a regular meeting; the new schedule will be effective \_\_\_\_\_, 2016:

<u>Meter Size</u>	<u>Base Rate</u>	<u>Per 1,000 Gal.</u>
¾” meter	\$ 16.62	\$4.57
¾” meter senior	\$ 12.23	\$4.57
1” meter	\$ 25.65	\$4.57
2” meter	\$ 51.06	\$4.57
3” meter	\$ 77.18	\$4.57
4” meter	\$103.30	\$4.57
 <u>Outside City</u>		
¾” meter	\$ 24.34	\$6.86
¾” meter senior	\$ 12.23	\$6.86
1” meter	\$ 37.87	\$6.86
2” meter	\$ 76.00	\$6.86
3” meter	\$115.18	\$6.86
4” meter	\$154.36	\$6.86

A Capital Replacement Charge of \$2.50 per month for each customer account is hereby made a part of the current rate structure.”

Except for the changes set forth above, the provisions of 18-54 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-56. - Remedies.

“All remedies prescribed or liens created under this division shall be cumulative and the use of one (1) or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this division or any liens created by the law. The fees fixed by this division shall be a lien in favor of the city upon the real property of the person and/or property owner used in connection with the sewer use which gave rise to the fee and such lien shall be imposed, collected, enforced and paid as provided by the law. No property or any person shall be exempt from levy and sale or execution issued for the collection of a judgement for any fee imposed by this division.”

Except for the changes set forth above, the provisions of 18-56 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Sec. 18-57. – Additional Charges.

“The following charges shall apply in addition to any other charges and/or fees contained within this Chapter Eighteen (18):

Non-sufficient funds: in the event that the City is assessed a charge by a customer's financial institution(s) as a result of non-sufficient funds in customer's banking account, then customer shall be assessed a non-sufficient fund charge by the City in the amount of twenty-five dollars (\$25.00).

Leak Investigation Charge: If a customer requests the City to check for a leak in the City's portion of the service line, and a leak is found in the City's portion of the service line, then no charge will be made to the customer; however, if no leak is found in the City's portion of the service line, then the customer shall be assessed a charge of ten dollars (\$10.00).

Fire Hydrant Meter Deposit and Rental Fee: any customer desiring the use of a City owned fire hydrant shall pay a meter deposit of eight hundred and fifty dollars (\$850.00) and a monthly rental fee of fifty dollars (\$50.00).

No Access Fee: A "no access fee" of \$15.00 shall be added to the normal billing under when a meter must be checked and the meter reader cannot reasonably gain access to the meter after traveling to the premises and make reasonable attempts to access the meter. In such an event, a tag containing the following language shall be left on the primary entrance to the premises: "The City of Bloomfield attempted to check your meter today and could not reasonably gain access. Please immediately call 632-6305 to schedule a time when we may access your meter within 24 hours. You need not be present, but access to your meter is necessary. A No Access Fee of \$15.00 is being added to your normal billing."

#### Sec. 18-58. – Additional Requirements for Lessor/Lessee Arrangements.

"In addition to what is required elsewhere in Chapter Eighteen (18) of the Bloomfield Municipal Code, the following provisions shall apply to any owner of a residential, commercial, or industrial property when said property has tenants or occupants (regardless of whether a rental fee is actually paid and received by the owner):

- 1) The property owner of a rental property must notify the Utilities Office within five (5) business days after a tenant vacates the premises;
- 2) The property owner is responsible for repairing underground leaks in the water service in a timely manner. Upon becoming aware of an underground leak in the water service, the property owner shall make necessary repairs within sixty (60) calendar days. If there is a sufficient reason why this deadline cannot be met, the property owner shall notify the Utilities Office to make arrangements for an extension of time. The granting of an extension shall be at the discretion of the City.
- 3) The City may implement a system of sending utility bills and late notices via email rather than via regular mail should such a system prove feasible for all or a portion of its customers.
- 4) Within sixty (60) days of the date this Ordinance is adopted by the City, all owners of a rental property must establish an account with the Utilities Office. The owner of a

rental property shall furnish contact information to the City for the purposes of billing and emergency contact.”

Except for the changes set forth above, the provisions of Chapter Eighteen (18) of the Bloomfield Municipal Code are hereby ratified and confirmed.

Passed, Approved, Signed and Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Scott Eckstein, MAYOR

ATTEST:

\_\_\_\_\_  
Erikka Martinez, CITY CLERK

(SEAL)