

**CITY OF TEXICO**

**ORDINANCE 3-411**

**AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE CITY OF TEXICO JOINT UTILITY SERVICES, PRICING FOR JOINT UTILITY SERVICES AND DEPOSITS REQUIRED FOR ALL JOINT UTILITY SERVICES**

BE IT ORDAINED by the governing body of the municipality of Texico, New Mexico.

**RECITALS.** It is hereby determined by the governing body of the City of Texico, New Mexico, that a need exists to combine all of the current city ordinances dealing with any of the Joint Utility Services (ie. Water, Sewer and/or Solid Waste) offered by the City of Texico so as to make the organization of Ordinances and the pricing format for said services easier to locate and compare when the need arises to adjust said rates for the residents and businesses receiving said services. Therefore Ordinance 3-407 shall be the first combined Ordinance for Joint Utilities and shall repeal and replace Ordinances 323, 382, 383, 393, 405 and 3-407, on July 1, 2026 when this Ordinance becomes effective.

**WHEREAS** the CITY OF TEXICO wishes to establish requirements for and pricing for Joint Utility Services for the City of Texico, pertaining to water, sewer and solid waste services.

**THEREFORE**, the CITY COUNCIL of the CITY OF TEXICO, does ordain the following measures within the jurisdictional limits of this community.

**TITLE I: ESTABLISHING NEW SERVICE**

Section 1: **Joint Utility Services And Deposits** – Joint Utility Services are defined as either water, sewer or solid waste services with the City of Texico and are combined under the Joint Utility Services category for pricing, department and ordinance purposes. Joint Utilities Deposit will be \$250.00 per customer which funds will be held in the Joint Utility Deposit Account of the City of Texico in accordance with state law.

Section 2: **Dwelling unit defined** – for purposes of this Ordinance, the term “dwelling unit” shall mean one or more rooms within a residential multi-family structure, designed for one individual or family, living within such structure independently as a single housekeeping unit.

Section 3: **Connection of new buildings required before occupation** - All new buildings located on lots and land adjoining streets and alleys where sewer and water mains are laid, shall be connected with sewer and water lines before the buildings are occupied (Prior Code 15-1).

Section 4: **All connections must be made by a State of New Mexico Licensed Plumber.** All new connections to city sewer must be made by a State of New Mexico licensed plumber. The City of Texico Public Works Department shall inspect new sewer connection before they are to be covered with fill. All new water taps shall be performed by the City of Texico Public Works Department from the main water line to the meter, from the meter to the customer shall be completed by the customer and their licensed New Mexico plumber and pass the required state inspection for occupancy.

Section 5: **All new taps must be made to the City main lines** – Each new occupied structure must be connected to the City main sewer and water lines and may not be connected to neighboring sewer or water lines. Each new occupied structure(s) must pay the applicable connection/tapping fees. Any sewer or water lines that are not directly connected from the structure being serviced to the City main lines at the time of this Ordinance will not be required to connect directly until such water or sewer line is in need of repair. This will be done at the expense of the customer. The customer must pay the applicable connection/tapping fees. Customers sharing water or sewer lines will be billed for the services according to the number of structures being serviced by the same line. This will include water, sewer and solid waste charges. The established customer who has submitted the service deposit will be responsible for the charges incurred for all usage of water, sewer and solid waste.

Section 6: **Sewer and water connection fee – Payment required before building permit issued** - no permit for construction shall be issued to erect, improve, construct, expand or remodel any structure when the permit application discloses a new connection to the sewer and water system is involved until sewer and water tapping fees have been paid as required by this section. When new sewer and water connections are required for existing structures, the sewer and water connection fees as determined herein shall be paid before the connection is made. The sewer and water connections fees established are additional to other building permit fees. If any damage to the City's Main Line (Sewer or Water) occurs when tapping the line, the plumber or property owner shall be responsible for repairing or paying to repair the City's main line.

Section 7: **Sewer connection fee for single and multi-family residential structures** – The fee for a new sewer tap for all single-family residential structures (which includes manufactured, modular or mobile homes) located within the corporate limits of the City, shall be two hundred fifty dollars (\$250.00) for each structure. The fee for a new sewer tap for all new multi-family residential structures shall be two hundred fifty dollars (\$250.00) per dwelling unit.

Section 8: **Sewer fee for Business and commercial or industrial structures** – The sewer tapping fee for all new business, commercial or industrial structures shall be three hundred fifty dollars (\$350.00).

Section 9: **Water connection fee for single and multi-family residential structures** – The water tapping fee for all new single family residential structures (which includes manufactures, modular or mobile homes) shall be five hundred dollars (\$500.00) for each structure. The water connection fee for all new multi-family residential structures shall be five hundred dollars (\$500.00) per dwelling unit and each separate dwelling unit shall have a separate water meter installed so that they may be billed and monitored separately. The cost discussed above shall be for three-quarter inch (3/4") meter. The cost for a One inch (1") meter shall be \$750.00.

Section 10: **Water connection fee for Business Commercial or Industrial structures** – The water tapping fee for all new business, commercial or industrial structures shall be seven hundred fifty dollars (\$750.00) for 3/4", one thousand dollars (\$1,000.00) for 1", one thousand five hundred

dollars (\$1,500.00) for 2". All connections over the size of 2" will be five hundred dollars (\$500.00) more per inch.

Section 11: **Sewer and water connection fees – Disposition of proceeds** – The proceeds of all sewer and water tapping fees shall be placed in the Public Works fund to help defray costs of maintenance, repair, supplies and labor.

Section 12: **Charges payable at the City Treasurer's Office** - All sewer and water fees shall be payable at the office of the City Clerk.

Section 13: **Subdivision connection conditions** – The owner or developer or any subdivision within the City requesting annexation to the City shall be entitled to connect such subdivision to the sewer and water system by the City upon the following conditions.

- A. Such subdivision shall be connected to existing trunk or other sewer and water lines by the owner or developer at a point approved by the City Council. Prior to the commencement of installation of the subdivision connecting line, plans and specifications prepared and sealed by a professional engineer licensed by the State of New Mexico shall be submitted to the City of Texico staff. The plans and specifications so submitted shall, in any event, contain a design for a sewer and water line sufficient as to capacity to provide water and dispose of sewage waste which may be generated by such subdivision at the time when all lots contained therein shall be improved according to the plan for such subdivision. When the installation of the subdivision connecting lines has been completed, the owner or developer shall furnish to the City of Texico staff a certificate from the engineer that prepared the plans and specifications therefore, and bearing the seal of the engineer, reciting that the subdivision connecting lines have been completed in strict compliance with the plans and specifications. The City of Texico staff will then bring the subdivision utility connection proposal before the City Council for approval.
- B. The cost of planning and installing the subdivision connecting lines shall be borne by the owner or developer, and in no event shall any reimbursement of the cost be paid from public funds of the City.

Section 14: **New main lines to become property of the City of Texico (including subdivision or annexation)** – Any and all new sewer and water lines that are established within the corporate city limits of Texico, shall become property of the City of Texico only after it has been approved by the Texico City Council and has been put in writing. Reimbursement of cost shall not be issued to the owner or developer unless otherwise stated within this ordinance.

Section 15: **Connection of water or sewer for nonresidents of the City of Texico** – Water and sewer services will not be provided to residents living outside the City of Texico limits. Grandfather clause: Any property that is located outside of the City of Texico limits that has water and/or sewer service at the time of this Ordinance shall be excluded. The service must be active in order to be considered “grandfathered”. Existing water and sewer lines outside the Texico City limits that have previously had City water and sewer service but are not active at the time of this Ordinance shall not be “grandfathered”.

Section 16: **Service changes-disconnection of services for non-payment** – water utility customer who has allowed his or her water bill to be past due for a period longer than ten (10) calendar days after the due date on the tenth (10<sup>th</sup>) of the month is subject to disconnect of service by the following procedure:

All water/sewer utility bills are due by the tenth (10<sup>th</sup>) day of each month. Any customer who for any reason fails pay the water/sewer utility bill on or by the tenth (10<sup>th</sup>) day of the month shall be considered past due. At this time, the Deputy Clerk shall apply a late fee in the amount of twenty-five dollars (\$25.00). Any customer who for any reason fails pay the water/sewer utility bill on or by the fifteenth (15<sup>th</sup>) day of the month shall be considered delinquent. Unless full payment is made within five (5) calendar days after the fifteenth (15<sup>th</sup>) of the month, the City of Texico will disconnect water utility service. **There will be a thirty-five dollar (\$35.00) re-connect fee applied to the bill. Water service will be re-connected at 3:00 p.m. on the date the bill and re-connect fee is paid in full.**

Section 17: **Reconnect fee** – If service is disconnected pursuant to the procedure described in Section 16 herein, the City of Texico will not reconnect the service to that delinquent customer until a thirty-five dollar (\$35.00) reconnect fee is paid and full payment of the delinquent account has been made. If the customer does not pay his or her bill within ten (10) days from the date of disconnection of water utility service, that customer's deposit will be applied to the final bill and the customer will be reimbursed for any excess deposit. In the event that the deposit does not cover the delinquent account balance, then full payment must be made and a new deposit in the amount of the current deposit rate must be paid when the delinquent customer requests water service at a later date. If the customer has been disconnected two (2) times and does not have the current amount required as a deposit, he or she will need to pay the difference in order to bring the deposit amount up to the current deposit rate. This amount will be added at the time of the second disconnection. Reconnect fees and the remaining deposit will need to be paid before service is reconnected.

Section 18: **New customer** – A new customer shall not be subject to the re-connect fee, however, a new customer cannot be any person who is within the immediate family of the previous depositor or a person who has resided with the previous depositor at the service address.

Section 19: **Use without payment of fee unlawful** – It is unlawful for any person to make, have made or use any connection to the city sewer or water system until the sewer and water connection fee has been paid as required by this chapter. Violation of this provision shall be a petty misdemeanor. Any person, firm or corporation in violation of any of the provisions of this Ordinance shall be punished by, paying for the damages to the City's water system (if any), a fine of not less than one hundred dollars (\$100.00) or greater than five hundred dollars (\$500.00) and/or up to ninety (90) days in jail. Each day in non-compliance shall constitute a separate offense.

## **TITLE II RATES FOR MONTHLY SERVICES**

Section 1: **Water Rates Established** - All prior ordinances of the City of Texico, New Mexico, are hereby amended as to establish the following rate schedule for water users for those customers having access by water supply lines:

<u>Minimum Gallonage</u>	<u>Rate Charge</u>
<b>RESIDENTS</b> - Required charge monthly for a minimum usage of up to 2,000 gallons for Customers that are Resident City users (i.e. those residence users located withing the City Limits of Texico).	\$55.00 per month
Residents using more than 2001 gallons but less than 4000 gallons	\$10.00 per 1000 gallons
Residents using more than 4001 gallons but less than 7,000 gallons	\$12.00 per 1000 gallons
Residents using more than 7,001 gallons	\$15.00 per 1000 gallons
<b>COMMERCIAL</b> - Commercial Customers inside the City Limits Usage of up to 2,000 gallons	\$130.00 per month
Commercial Customers inside the City Limits Usage over 2,000 but less than 4,001 gallons	\$12.50 per 1000 gallons
Commercial Customers inside the City Limits Using over 4,000 gallons but less than 7,000 gallons	\$15.00 per 1000 gallons
Commercial Customers inside the City Limits Using over 7,001 gallons per month	\$18.00 per 1000 gallons
<b>NON-RESIDENTS</b> - Required charge monthly for minimum Usage of up to 2,000 gallons for Customers who are Residents outside the city limits.	\$82.50 per month
<b>NON RESIDENT COMMERCIAL</b> - Commercial Customers outside the City Limits Using of up to 2,000 gallons	\$150.00 per month
Commercial Customers outside the City Limits Using more than 2,000 gallons but less than 4,000 gallons	\$15.00 per 1000 gallons
Commercial Customers outside the City Limits	

Using more than 4,000 but less than 7,000 gallons	\$18.00 per 1000 gallons
Commercial Customers outside the City Limits Using more than 7,000 gallons per month	\$22.00 per 1000 gallons
<b>SCHOOL/INDUSTRIAL</b> - School/Industrial inside the City Limits Usage of up to 2,000 gallons	\$130.00 per month
School/Industrial using more than 2,000 gallons but less than 4,000 gallons	\$12.50 per 1000 gallons
School/Industrial using more than 4,000 gallons but less than 7,000 gallons	\$15.00 per 1000 gallons
School/Industrial using more than 7,000 gallons per month	\$18.00 per 1000 gallons

Section 1A. **Bulk Water Rates, Rules, and Guidelines.**

A. No water from the City water supply shall be turned on by any person other than the superintendent of public works or some other person authorized by him to perform this service.

B. In the event any person or entity wishes to obtain water from the city water supply by any means other than the regular service provided hereinabove, such person or entity must obtain prior approval of the city superintendent of public works and meet any requirement of such superintendent to insure proper payment for such services and supply.

C. The rate for such use shall be Twenty-five Dollars (\$25.00) for each 1,000 gallons of use, with a minimum fee of \$25.00 for each tap of the water source.

D. Any violation of this Section shall be punished by a fine not less than \$25.00 nor more than \$500.00 or by imprisonment for not less than 90 days or both, and each occurrence shall constitute a separate offense.

Section 2: **Sewer Rates Established.**

Monthly Residential rates	\$23.00
Monthly Commercial rates	\$25.77

Section 3: **Trash or Refuse Rates Established.**

SW - 1: Single Family Residential	\$32.00
SW - 2: Multiple Family Residential	\$34.50
SW- 3: Single 1 ½ Yard	\$63.95
SW- 4: Single 3 Yard	\$95.92
SW - 5: Small Commercial	\$100.00

SW - 7: Large Commercial	\$150.00
SW - 13: Multiple Commercial	\$1,176.34

Section 4:     **Applicable Sales Tax.**     All of the charges listed above will have added to said charges individually the applicable New Mexico Gross Receipts Tax to each item at the rate set forth by New Mexico Taxation and Revenue.

Section 5.     **Applicability.** This Ordinance shall apply to all individuals, corporations, or other entities operating in the City Limits of Texico, New Mexico, or using the systems described herein.

Section 6.     **Effective date.** This ordinance is effective on July 1, 2026.

Section 7.     **Repealer.** All Ordinances or parts thereof, that conflict herewith are hereby revoked and this Ordinance is substituted.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF TEXICO, NEW MEXICO, UNANIMOUSLY, this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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DEBORAH AUTREY, MAYOR

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AUSTEN MCMULLEN, CITY CLERK