

Chapter 40 - UTILITIES

Footnotes:

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Cross reference— *Administration, ch. 2; board of public utilities, § 8-321 et seq.; buildings and building regulations, ch. 10; businesses, ch. 12; development code, ch. 16; environment, ch. 18; floods, ch. 24; solid waste management, ch. 32; streets, sidewalks and other public places, ch. 34; relocation and protection of utilities for excavations, § 34-42.*

State Law reference— *Electric, gas and water utilities, NMSA 1978, § 62-1-1 et seq.*

ARTICLE I. - IN GENERAL

Sec. 40-1. - Purpose of chapter.

This chapter establishes policies and procedures for the operation of the department supplemental to those enumerated in the Charter and clarification of some of the requirements stated in the Charter.

(Ord. No. 85-20, § 1, 1985; Code 1985, § 13.01.020)

Sec. 40-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blended utility systems mean any combination of commodity sources and/or commodities available to or used by the department to provide the utilities to users.

Board means the county board of public utilities, as used in article V of the Charter.

Brokered power sale means a transaction in which the county or resource pool is the intermediary between a seller and a purchaser of bulk power or economy energy.

Bulk power sale means an agreement to provide an uninterruptible supply of electrical energy from a county resource. Such an agreement includes capacity rights, but not ownership rights.

Business means any commercial enterprise, trade, occupation, calling, profession, vocation or activity engaged in conducted or carried on by any person, his agent or employee, for the purpose of gain, benefit or advantage, either direct or indirect.

Capital assets mean property not consumed by use within a year after the time when it is acquired.

Capital budget means a planning document covering one or more years of proposed expenditures for capital assets with a value not inconsistent with state law. Routine maintenance and purchase of supplies and non-capital assets are not part of the capital budget.

Commodities mean electricity, gas and water acquired by the county for its utilities systems by purchase, generation, production, exchange or other proper means.

Department means the county department of public utilities as that term is used in article V of the Charter.

Director means the department head of the county department of finance or his designee.

Economy energy sales mean the sale of available electrical energy output from the combined resource pool on a short-term, interruptible arrangement. Capacity rights or ownership are not involved in this type of sale.

Green power means electrical energy generated from a renewable source, including but not limited to, wind, solar and qualifying hydroelectric generation.

Manager means the utilities manager of the county department of public utilities as that term is used in article V of the Charter.

Operating budget means a planning document including the schedule of funds and estimates of one or more years of proposed revenues and expenditures of the utilities systems and operation of the department including, but not limited to, commodities costs, salaries, maintenance, general and administrative expenses, materials and supplies, interest, payments in lieu of franchise fees and taxes normally assessed against privately owned gas and electric utilities, transactions required or governed by contracts to which the county is a party, including bond indentures, credit agreements and applicable stipulations, orders of any public commission or agency, and county ordinances, resolutions or motions.

Person means any individual, group, organization, business or entity.

Schedule of funds means a documented portion of the operating budget setting forth the manner in which operating revenues shall be placed in the replacement, additions and improvements, and other reserves as required by the Charter, bond ordinances and indentures adopted in accord with such bond ordinances, and the amounts to be placed in each fund.

Systems mean the property, facilities, equipment, services and personnel used by the department to generate, produce, process, distribute and furnish utilities services to customers.

Utilities mean the services, commodities and systems to supply users with electricity, gas, water and sewer services.

(Ord. No. 85-20, § 1, 1985; Ord. No. 85-67, § 1, 1987; Ord. No. 85-172, § 2, 1993; Code 1985, §§ 6.17.020, 13.01.010; Ord. No. 02-062, § 1, 4-12-2005)

Cross reference— Definitions generally, § 1-2.

Sec. 40-3. - Acquisition and operation.

(a) The county is authorized to acquire, and does acquire, from the United States of America, acting by the Department of Energy, an electric utility, a natural gas utility, water facilities and sewage facilities, or any one or more of them, and is authorized to operate and maintain such utilities and facilities.

(b) It is determined that a satisfactory supply of natural gas is not otherwise obtainable.

(Ord. No. 57, §§ 1, 2, 1967; Code 1985, § 6.16.010)

Sec. 40-4. - Franchise agreement required.

No person may provide utilities to any person within the county without first executing a utility franchise agreement with the county.

(Ord. No. 85-172, § 1, 1993; Code 1985, § 6.17.010)

Sec. 40-5. - Application for utility franchise to provide utilities.

(a) Any person proposing to provide utilities to others within the county must first execute a utility franchise agreement with the county.

(b) An application for a utility franchise to provide utilities shall be submitted to the county board of public utilities and shall state in detail the nature of utilities to be provided, the persons who will receive such services and all proposed rates, terms and conditions for such services.

(c) The county board of public utilities shall conduct such inquiry as it deems necessary to determine whether the proposed utilities are necessary, in the public interest, and not duplicative of services already available in the county. The county board of public utilities shall, upon completing a review of the application, make a recommendation to the city council.

(Ord. No. 85-172, § 3, 1993; Code 1985, § 6.17.030)

Sec. 40-6. - Grant of franchise.

To the extent permitted by the laws of the state, in granting a utility franchise to provide utilities, the county council shall establish such terms and conditions as deemed necessary and convenient, including any fee to be paid by the grantee to the county. No utility franchise shall be granted for a period of more than 25 years.

(Ord. No. 85-172, § 4, 1993; Code 1985, § 6.17.040)

Sec. 40-7. - Use of county utilities.

- (a) No person shall use any part of the county's utilities facilities to provide or receive utilities not purchased from the county unless that person receives prior approval from the county for such use.
- (b) Use of county facilities for the utilities not purchased from the county shall not be approved unless the person requesting the use first demonstrates to the county board of public utilities that such use is in the public interest and will not result in any adverse impact on the county and persons purchasing utilities from the county.
- (c) The county board of public utilities shall conduct such inquiry as it deems necessary to determine whether a request to use county utilities for services not purchased from the county utilities department satisfies the criteria of subsection (b) of this section.
- (d) Any person aggrieved by the recommendation of the county board of public utilities rendered pursuant to this section may appeal the decision to the county council within 30 days. The county council may consider the appeal after providing public notice and a public hearing. The county council may adopt, amend or reverse the recommendation of the county board of public utilities.
- (e) No use of county facilities shall contravene other provisions of this Code.

(Ord. No. 85-172, § 5, 1993; Code 1985, § 6.17.050)

Sec. 40-8. - Existing franchises not affected.

The ordinance codified in this chapter shall not affect any franchise which is in effect on the date such ordinance becomes effective.

(Ord. No. 85-172, § 6, 1993; Code 1985, § 6.17.060)

Secs. 40-9—40-40. - Reserved.

ARTICLE II. - ADMINISTRATION

Footnotes:

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Cross reference— *Administration, ch. 2.*

DIVISION 1. - GENERALLY

Footnotes:

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Editor's note— *Ord. No. 02-080, adopted Oct. 3, 2006, amended the Code by enacting new provisions designated as §§ 40-51—40-57; however at the editor's discretion these provisions have been designated as §§ 40-41—40-47 in order to preserve the format of and allow for future expansion to the Code.*

Sec. 40-41. - Board of public utilities—Organization.

The board of public utilities shall annually elect its chair and such officers as it desires from among its members. The election shall occur at a regular meeting in January of each year. The board may appoint such committees from its members or from the public as it deems necessary or desirable to discharge its responsibilities. A special meeting may be called by the chair or, in his absence, by such other officers that may be designated by the board or by any two members upon written request.

(Ord. No. 02-080, § 1, 10-3-2006)

Sec. 40-42. - Powers and duties.

- (a) *Generally.* The duties, responsibilities and authority of the board of public utilities shall include the following:
- (1) Jurisdiction and control over the utility systems owned by the county;
 - (2) Ensuring the proper utilization of existing operating funds, capital and personnel resources to maintain an acceptable level of service;
 - (3) Identifying and planning needed expansion and extensions of the existing utility systems whether within or outside of the county;
 - (4) Developing policy guidelines for system operation, quality of service, rates and balance of reserve funds and for the operation of the blended utility systems;
 - (5) Ensuring effective and harmonious operation of the department using existing county resources;
 - (6) Formulating, with the utilities' manager, the budget for the systems;
 - (7) Preparing a five-year plan for the capital expansion of the systems, replacement activities and acquisition of real property, with annual updates submitted with each budget;
 - (8) Negotiating a contract for the employment of the utilities' manager. Such contract and any amendments thereto shall not become effective until approved by the council; and
 - (9) The board of public utilities shall appoint, suspend, or remove the utilities' manager only with the formal approval of the council.
- (b) *Personnel matters.* The board shall hold the utilities manager responsible for recommending classification and employment benefits of departmental employees to the board following consultation with the county department responsible for personnel matters. Recommendations of the board and utilities' manager for salaries and benefits shall be consistent and compatible with the county policies and procedures, chapter 30 of this Code, the classification plan, the pay plan and the personnel rules and regulations. The recommendations shall be reviewed and

processed by the county department responsible for personnel matters to become effective if they satisfy the consistency and compatibility requirements in this section; otherwise, they shall be referred back to the board of public utilities. If an impasse exists with respect to the recommendations, then any conflicts shall be resolved by the council.

(c) *Account collections.* The board of public utilities may request the county attorney to assist the department in collecting delinquent accounts.

(Ord. No. 02-080, § 1, 10-3-2006)

Sec. 40-43. - Commodity transactions.

The board of public utilities shall report to the council any major transaction relating to commodities for the proper operation of the department, and approval by the board and council is required for each transaction undertaken by the county in connection therewith. Commodity transactions required for changes in day-to-day operations, for needs such as emergency power, economy power and reserve capacity, shall be the responsibility of the department, consistent with prudent utility practices.

(Ord. No. 02-080, § 1, 10-3-2006)

Sec. 40-44. - Powers, duties and responsibilities of the manager.

In addition to the provisions of the Charter, the powers, duties and responsibilities of the manager shall include:

- (1) Serving as secretary to the board or designating another department employee for that purpose with board approval;
- (2) Recommendation of salaries and rates of compensation of the employees of the department of the board. Employees of the department shall come under chapter 30 of this Code, the personnel rules and regulations of the county, the classification plan and the pay plan;
- (3) Supervision and custody of all county property used by the department;
- (4) Formulating with the board, the annual budget for the department;
- (5) Preparation of regular and special reports as required; and
- (6) Performance of such other functions as the board may direct.

(Ord. No. 02-080, § 1, 10-3-2006)

Sec. 40-45. - Policy, rules and regulations.

The board of public utilities shall propose the public policy of the department and those other policies unique to each utility system. Policies shall be adopted by the board at public hearings and shall become effective upon approval by the council. The board shall establish and adopt, at a public hearing, rules and

regulations governing the conditions of utilities service, system extension policies and such other matters as deemed necessary. Rules and regulations established by the board shall become effective when transmitted to the council and filed with the county clerk. The service rules shall include (by way of illustration but not by way of limitation) billing intervals, format of bills, delinquencies, termination of service because of non-payment, reconnection charges, charges for extraordinary services, deposits, credits and other matters relating to the normal operation of the utilities systems. The extension rules and regulations shall prescribe the conditions under which an extension shall be made and may provide that each extension project is or may become the property of the county, whether on public or private property, and may provide for compensation to the county where advances were made by the county for the persons benefited. The council may refer to the board such other matters as the council may wish the board to consider and the board shall report its comments thereon within the time requested by the council.

(Ord. No. 02-080, § 1, 10-3-2006)

Sec. 40-46. - Cooperation with other county departments.

- (a) *Services to the department.* The public utilities department shall have the right to require the services of the various county offices and departments pursuant to article V, section 503 of the Charter and shall pay for such services to the extent agreed to by the board and county manager. The adequacy of these services is the responsibility of the county manager. Unresolved issues shall be addressed to the council.
- (b) *Services provided by the department.* The public utilities department may provide its services to other county offices and departments pursuant to article V, section 503 of the Charter and shall be reimbursed for such services from non-utility funds to the extent agreed to by the board and the county manager. The adequacy of these services is the responsibility of the manager. Unresolved issues shall be addressed to the board.

(Ord. No. 02-080, § 1, 10-3-2006; Ord. No. 02-256, § 71, 7-7-2015)

Sec. 40-47. - Joint operations with others.

The board of public utilities may approve contracts and agreements with any person or governmental agency for:

- (1) The joint use of property belonging either to the county for use by the department or to the other contracting party or jointly to both parties; and
- (2) The joint acquisition of commodities, real and personal property, rights and franchises, and the joint financing, construction and operation of plants, buildings, distribution systems and other facilities, when such actions relate directly to the operation or approved extension of the county's utilities systems and are identified in the approved budget.

No such contracts and agreements shall become effective except upon approval of the council. This section shall not apply to those transactions governed by section 8-323 that are the responsibility of the public utilities department.

(Ord. No. 02-080, § 1, 10-3-2006)

Secs. 40-48—40-60. - Reserved.

DIVISION 2. - FINANCE

Footnotes:

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Cross reference— *Finance, ch. 20.*

Sec. 40-61. - Disposition of funds.

The director shall provide the necessary accounting services for the department and shall deposit all sums of money received for the department in separate accounts and shall credit each account within the department for the purposes required by this chapter and consistent with the department budget. The director shall make disbursements and fund transfers from the proper accounts in the funds as directed by the department in accordance with the provisions of this chapter for the payment of principal and interest on bonds and other budgeted expenditures.

(Ord. No. 85-20, § 1, 1985; Code 1985, § 13.03.010)

Sec. 40-62. - Procurements.

The department shall purchase all materials, parts, services, supplies and equipment required for the operation of the department through the county's central purchasing office and according to the state procurement code; provided, however, that the department shall not purchase nor enter into any contract for the purchase of real property, unless the board and council have approved such acquisition in an adopted budget which authorizes the spending of sufficient funds to satisfy the requirements of the proposed acquisition or contract, or unless the council has approved such acquisition prior to formal execution by the department. The council chair shall be a cosigner of all contracts other than those for materials, parts, services, supplies and equipment. This section shall not apply to those transactions governed by section 40-63 that are the responsibility of the department.

(Ord. No. 85-20, § 1, 1985; Code 1985, § 13.03.020)

Sec. 40-63. - Budget.

- (a) *Generally.* The board shall submit a proposed budget to the council for adoption in accordance with article V, sections 506 and 509 of the Charter. The annual budget shall be a complete financial plan for the ensuing fiscal year, consisting of an operating and a capital budget conforming to article V, section 509 of the Charter, and the items listed in subsection (c) of this section. Should the council fail to adopt the department's proposed budget on or before the start of the ensuing fiscal year, the latest approved budget of the department shall be the budget of the department until the council adopts a new budget for the ensuing fiscal year. Budget changes shall be recommended by the board to the council for consideration for approval.
- (b) *Financial review.* After publication of audited financial statements, BPU shall review the results from the previous fiscal year and the related updated ten-year projections of rates and revenues, funding of reserves (the schedule of funds) and capital project program plan as submitted to it by the director. Based upon this review, the board shall determine and recommend to the council for their consideration and approval, as part of the annual budget submission, the following possible changes to the ten-year projections:
- (1) Rate adjustments;
 - (2) Adjustments to schedule of funds;
 - (3) Adjustments to the capital program;
 - (4) Designation of any additional specific remaining amounts as operating profits transfers to the general fund beyond those planned for as indicated in subsection (c)(12).
- (c) *Budget items.* The budget shall include, but not be limited to:
- (1) A projection of revenues from commodity sales of each utility system by customer type, interest income, service fees and other sources;
 - (2) Reserve accounts required by the Charter, bond ordinances and bond indentures;
 - (3) A projection of normal expense for each utility system;
 - (4) A projection of funds required for each replacement and addition and improvement project and a statement of objectives and schedule for their completion;
 - (5) A projection of funds needed for contingencies;
 - (6) A schedule of funds in accordance with section 40-65;
 - (7) A capital-asset budget indicating new equipment associated with department projects;
 - (8) A projection of bond payments, redemptions and other transactions under the bond ordinance or indentures;
 - (9) A staffing schedule of the department showing the number of persons assigned to department projects and programs and changes therein for the fiscal year;
 - (10) A ten-year plan update showing the status of the replacement and addition and improvement

projects of the department;

- (11) The disposition of net county revenues, if any, generated as a result of economy energy sales, bulk power sales, or brokered power sales shall be governed by subsection (b) of this section;
- (12) A profit transfer. Charter section 509 anticipates possible profit transfers from the utility system to the general fund. The county as owner should have a return on its investment in the utility system. It is also prudent fiscal management to plan for a specific level of return. Therefore, this paragraph clarifies that expectation and sets the following budget policy:
 - a. After providing for the items specified in Charter section 509 1. through 5., the budget shall include an amount for planning purposes for each fiscal year of at least five percent of the electric and gas utilities gross retail revenue and exclusive of that from the county and schools for commodities for their sole use, and an additional amount representing a percentage of the revenue from the department of energy, generated as a result of the department of energy/county joint power pool coordination agreement, for transfer to the general fund as operating profits.
 - b. After completion and approval of the county's audit, the profit transfer amount for the current fiscal year shall be calculated based upon actual audited revenues from the previous fiscal year. Those calculated amounts will be presented to council to approve as profit transfers to the general fund in the current fiscal year.
 - c. For a five-year period, which may be extended as provided below, and beginning with fiscal year 2023, upon approval of the profit transfer amounts by council, the council may through formal action re-direct some or all of the profit transfer amounts for use within the joint utility system fund for purposes designated by the council. Those purposes may include, but are not limited to, accelerating investment in utility infrastructure, investing in utility infrastructure to facilitate coordination with roads projects, investing in utility infrastructure to facilitate economic development and housing projects, facilitating utility debt restructuring, and transferring funds between individual utility sub-funds.
 - d. The above five-year period may be extended by council for one additional year at the time of council's consideration of an annual redirection of a profit transfer so that every year council considers an annual redirection, there is an option for council to add an additional year to the original five-year period.
- (d) *Capital project program plan.* In addition to items listed in subsection (c) of this section, the utilities board shall submit a capital project program plan which includes the following information concerning any planned capital project: program justification, funding sources, a proposed schedule and completion date, breakdown of elements into projected contracts with estimated costs; and other necessary financial information.

(e)

Plan approval. A capital project program plan approved by the council shall require no further council action aside from the normal consent calendar process except any contract costs or commitments which exceed, or are anticipated to exceed, the total original budget estimates.

- (f) *Written notice.* The utilities board shall provide notice, in writing, for its approval of any deviation from the capital project program plan to the council.

(Ord. No. 85-20, § 1, 1985; Ord. No. 85-39, § 1, 1986; Ord. No. 85-76, §§ 2—4, 1987; Code 1985, § 13.03.030; Ord. No. 02-302, § 1, 2-25-2020; Ord. No. 02-324, § 1, 1-25-2022)

Sec. 40-64. - Separate accounts for separate utilities systems.

Separate financial records and accounts shall be kept for each utility system following, to the extent practicable, the system of accounts and the rules and regulations promulgated by the Federal Energy Regulatory Commission (or its successor). Each utility system shall be operated as an independent organization, unless otherwise provided, and insofar as joint operations are directed, the expenses shall be equitably prorated among the systems. Direct transfers of revenues or funds of a system shall not be made for the purpose of supporting another system unless approved by the board of public utilities and county council.

(Ord. No. 85-20, § 1, 1985; Code 1985, § 13.03.040; Ord. No. 02-280, § 1, 11-14-2017)

Sec. 40-65. - Schedule of funds.

The schedule of funds, and any amendment of the schedule, as proposed by the board, shall be referred to the council for consideration for adoption. The schedule of funds shall prescribe the necessary yearly funding of reserves for replacements, additions and improvements, and other reserves authorized by Charter, bond ordinances and bond indentures or other governing instrument and shall be consistent with the needs of the utilities systems. The replacement reserve shall cover (among other things), machinery and equipment, and system replacements. The schedule of funds shall reflect separate reserve allocations for separate utility systems.

(Ord. No. 85-20, § 1, 1985; Code 1985, § 13.03.050; Ord. No. 02-302, § 2, 2-25-2020)

Sec. 40-66. - Investment and management of funds.

- (a) The board shall, pursuant to article V, section 508 of the Charter, have the right to invest the reserve and contingency funds of the department in accordance with laws and statutes of the state governing investment of public funds by local and governing boards and bodies. The board shall determine goals and criteria for investments. Investments shall be made for maximum return consistent with safety of capital and shall be a public record.

- (b)

The board may join with the county council pursuant to section 20-404 of this Code in investing its funds with one or more investment management firms who shall advise the board with respect to the board's overall investment plan and pay reasonable compensation for such services from funds so invested. Such investments and the terms of any such investment management services contract shall be subject to the policies, procedures and requirements of article V, chapter 20 of this Code, as amended or renumbered from time to time.

(Ord. No. 85-20, § 1, 1985; Ord. No. 85-64, § 1, 1987; Code 1985, § 13.03.060)

Sec. 40-67. - Expenditures and creation of obligations.

No money shall be disbursed, nor shall any obligation for expenditure of money be incurred, except as provided in the adopted budget. Obligations created against revenues of the department and payment of obligations therefrom shall not be valid unless created in accordance with the county's procurement code.

(Ord. No. 85-20, § 1, 1985; Code 1985, § 13.03.070; Ord. No. 02-302, § 3, 2-25-2020)

Sec. 40-68. - Public information expenditures.

The board may authorize reasonable expenditures to acquaint board members, department personnel or the public with the operations, programs and plans of the department, to disseminate information concerning any aspect of utilities operations, developments or expansion, and to encourage conservation of commodities.

(Ord. No. 85-20, § 1, 1985; Code 1985, § 13.03.080)

Secs. 40-69—40-100. - Reserved.

ARTICLE III. - RATES AND CHARGES

DIVISION 1. - GENERALLY

Sec. 40-101. - Late payment fees on electric, gas, water, sewer and refuse utilities past due account.

- (a) A late payment fee of 1½ percent per month shall be assessed to every past due account pertaining to refuse fees contained in section 32-19 of this Code and to electric, gas, water and sewer utility rates as contained in divisions 2, 3, 4 and 5 of this article, respectively. An account is considered past due if payment has not been received by the county finance department within 25 days after the billing date. The late payment fee shall be added to any balance that is not paid within 25 days of the billing date.

(b)

Accounts classified as budget billing accounts shall be charged a late payment fee only when any portion of the agreed upon payment amount is not received within 25 days of the billing date.

(Ord. No. 85-109, § 1, 1990; Code 1985, § 13.24.010)

Secs. 40-102—40-120. - Reserved.

DIVISION 2. - ELECTRIC RATES

Sec. 40-121. - Schedules.

- (a) Residential rate service schedule 6-A is applicable only for normal domestic light and power use in individual residences, dwelling units, and individual apartments, where each unit is separately metered. All service shall be delivered through a single set of service wires at a single service location and measured by one meter.
- (b) Small commercial (less than 50 kilowatts per month) rate service schedule 6-G is applicable for commercial lighting, small power and other commercial, business, professional and small industrial loads. All service shall be delivered through a single set of service wires at a single service location and measured by one meter. The customer's monthly demand shall be less than 50 kilowatts (kW), but excludes customers to whom service is applicable under another rate service schedule. When a customer under this schedule establishes a demand of 50 kilowatts or greater for two consecutive months, the large commercial (50 kilowatts per month or greater) rate schedule 6-K will be charged for the current billing month plus a minimum of 11 succeeding billing months.
- (c) Large commercial (50 kilowatts per month or greater) rate service schedule 6-K is applicable to all customers with a demand over 50 kilowatts per month or greater. All service shall be delivered through a single set of service wires at a single service location and measured by one meter, but excludes those customers to whom service is applicable under another rate schedule.
- (d) Small county (less than 50 kilowatts per month), schedule 6-L, and small public schools (less than 50 kilowatts per month), schedule 6-N, are applicable, respectively, to power used by the incorporated county and the public schools. All service shall be provided by single set of service wires at a single service location at one point of delivery, measured by one meter. The customer's demand for the month shall be less than 50 kilowatts, but excludes those customers to whom service is applicable under another rate schedule. When a customer under this schedule establishes a demand of 50 kilowatts or greater for two consecutive months, the large county (50 kilowatts per month or greater) schedule 6-M, or the large public schools (50 kilowatts per month or greater) schedule 6-R, rate schedule will be charged for the current billing month plus a minimum of 11 succeeding billing months.

- (e) Large county (50 kilowatts per month or greater), schedule 6-M, and large public schools (50 kilowatts per month or greater) schedule 6-R, are applicable, respectively, to the incorporated county of Los Alamos and the public schools. All service shall be provided by a single set of service wires at a single service location supplied at one point of delivery, measured by one meter, and the customer's demand for the month shall be 50 kilowatts or greater, but excludes those customers to whom service is applicable under another rate schedule.
- (f) Municipal street and traffic light service rate schedule 6-P is applicable to electric service provided to the incorporated county for street and traffic lights.
- (g) Area lighting service schedule 6-Q is applicable to all customers for private area lighting service.
- (h) Special electric service schedule 6-S is applicable to large power users with an annual load factor less than 20 percent and a connected load greater than 50 kilowatts. Annual load factor is calculated as average demand divided by peak demand to be calculated in January for the prior 12 months.
- (i) Municipal water production system rate schedule 6-W is applicable to metered electric service provided to the incorporated county for bulk water pumping.
- (j) Commercial time-of-use rate schedule 6-T is applicable to each commercial customer otherwise subject to rate service schedules 6-G or 6-K who has given at least 15-days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under this schedule shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-G or 6-K.
- (k) Residential time-of-use rate schedule 6-U is applicable to each residential customer otherwise subject to rate service schedules 6-A who has given at least 15-days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under this schedule shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-A.
- (l) County time-of-use rate schedule 6-V is applicable to each county customer otherwise subject to rate service schedules 6-L or 6-M; public schools time-of-use rate schedule 6-Y is applicable to each public school customer otherwise subject to rate service schedules 6-N or 6-R, who has given at least 15-days' notice to the utilities department that it wishes to obtain electric service under this rate service schedule. Any customer requesting service under schedule 6-V or 6-Y shall be required to remain on this schedule for no less than 12 consecutive months before notice is given to return to rate service schedule 6-L, 6-M, 6-N, 6-R.

(Ord. No. 74-50, § 1, 1981; Ord. No. 74-73, § 1, 1982; Ord. No. 74-87, § 1, 1983; Ord. No. 85-03, § 1, 1984; Ord. No. 85-31, 1985; Ord. No. 85-63, § 1, 1987; Ord. No. 85-74, § 1, 1988; Code 1985, § 13.08.010; Ord. No. 85-292, § 1, 3-13-2001; Ord. No. 02-115, § 1, 2-22-2011; Ord. No. 02-237, § 1, 12-17-2013; Ord. No. 02-255, § 1, 2-

17-2015)

Sec. 40-122. - Electric customer service charges.

Customer service charges are to be applied as follows:

- (1) To each customer billed under rate service schedule 6-A, \$12.00 per month per meter.
- (2) To each customer billed under rate service schedules 6-G, 6-K, 6-L, 6-M, 6-N and 6-R, \$22.00 per month per meter.
- (3) To each customer billed under rate service schedule 6-S, \$65.00 per month per meter.
- (4) To each customer billed under rate service schedule 6-W, \$217.75 per month plus charges for energy and demand.
- (5) To each customer billed under rate service schedule 6-T, \$32.00; service schedule 6-U, \$17.00; service schedules 6-V and 6-Y, \$32.00 per month per meter.
- (6) To each customer billed under rate service schedule 6-P, \$19.18 per month per meter.

(Ord. No. 74-50, § 1, 1981; Ord. No. 74-73, § 1, 1982; Ord. No. 74-87, § 1, 1983; Ord. No. 85-03, § 1, 1984; Ord. No. 85-31, 1985; Ord. No. 85-63, § 1, 1987; Ord. No. 85-84, § 1, 1988; Ord. No. 85-106, § 1, 1989; Code 1985, § 13.08.020; Ord. No. 85-292, § 2, 3-13-2001; Ord. No. 02-115, § 2, 2-22-2011; Ord. No. 02-237, § 1, 12-17-2013; Ord. No. 02-255, § 1, 2-17-2015)

Sec. 40-123. - Electric energy charges.

In addition to applicable customer service charges, electric energy charges and demand charges are to be applied as follows:

- (1) *Schedule 6-A.* Each customer billed under rate service schedule 6-A shall be charged \$0.1152 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:
 - a. *Fixed option.* Customers billed under rate service schedule 6-A may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of the subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.
 - b. *Variable option.* Customers billed under rate service schedule 6-A may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.
- (2) *Schedule 6-G.* Each customer billed under rate service schedule 6-G shall be charged \$0.1111 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to

carry out its provisions:

- a. *Fixed option.* Customers billed under rate service schedule 6-G, may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of the subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.
 - b. *Variable option.* Customers billed under rate service schedule 6-G may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.
- (3) *Schedule 6-L.* Each customer billed under rate service schedule 6-L shall be charged \$0.1142 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-L are authorized subject to rules promulgated by the department necessary to carry out its provisions:
 - a. *Fixed option.* Customers billed under rate service schedule 6L may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.
 - b. *Variable option.* Customers billed under rate service schedule 6L may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.
- (4) *Schedule 6-N.* Each customer billed under rate service schedule 6-N shall be charged \$0.1089 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-N are authorized subject to rules promulgated by the department necessary to carry out its provisions:
 - a. *Fixed option.* Customers billed under rate service schedule 6-N may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.
 - b. *Variable option.* Customers billed under rate service schedule 6-N may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.
- (5) *Schedule 6-P.* Each customer billed under rate service schedule 6-P shall be charged \$0.1031 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-P are authorized subject to rules promulgated by the department necessary to carry out its provisions:
 - a.

Fixed option. Customers billed under rate service schedule 6-P may choose to subscribe monthly to 100 kWh blocks of green power at the additional rate of \$0.5000 per block. The total of subscribed blocks shall not exceed 90 percent of that customer's minimum monthly electric consumption during the previous 12 months.

b. *Variable option.* Customers billed under rate service schedule 6-P may choose to subscribe to green power for 90 percent of their monthly electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.

(6) *Schedule 6-K.* Each customer under rate service schedule 6-K shall be charged \$11.00 per kW of peak demand plus \$0.0821 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges are authorized subject to rules promulgated by the department necessary to carry out its provisions:

Customers billed under rate service schedule 6-K may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.

(7) *Schedule 6-M.* Each customer under rate service schedule 6-M shall be charged \$10.50 per kW of peak demand plus \$0.0834 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-M are authorized subject to rules promulgated by the department necessary to carry out its provisions:

Customers billed under rate service schedule 6-M may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.

(8) *Schedule 6-R.* Each customer under rate service schedule 6-R shall be charged \$10.50 per kW of peak demand plus \$0.0763 per kilowatt hour. In addition to the charge authorized by this subsection, the following optional charges for rate service schedule 6-R are authorized subject to rules promulgated by the department necessary to carry out its provisions:

Customers billed under rate service schedule 6-R may choose to subscribe to green power for one percent, two percent, three percent, five percent, ten percent, 50 percent or 90 percent of their monthly energy electric consumption. Such consumption shall be billed at the additional rate of \$0.0050 per kilowatt hour.

(9) *Schedule 6-Q.*

a. All metered customers under rate service schedule 6-Q shall be billed \$1.20 per light per month in addition to \$0.128 per kilowatt hour.

b. Unmetered customers under rate service schedule 6-Q shall be billed:

1. For each 70-watt high pressure sodium lamp which is privately owned and maintained, \$3.44 per month.
2. For each 70-watt high pressure sodium lamp for county or public school use, \$4.46 per month.
3. For each 70-watt high pressure sodium lamp for residential or commercial use, \$4.50 per month.
4. For each 100-watt high pressure sodium lamp which is privately owned and maintained, \$4.84 per month.
5. For each 100-watt high pressure sodium lamp for county or public school use, \$5.80 per month.
6. For each 100-watt high pressure sodium lamp for residential or commercial use, \$6.06 per month.
7. For each 175-watt mercury vapor lamp which is privately owned and maintained, \$8.10 per month.
8. For each 175-watt mercury vapor lamp for county or public school use, \$8.86 per month.
9. For each 175-watt mercury vapor lamp for residential or commercial use, \$9.30 per month.
10. For each 400-watt mercury vapor lamp which is privately owned and maintained, \$17.14 per month.
11. For each 400-watt mercury vapor lamp for county or public school use, \$17.45 per month.
12. For each 400-watt mercury vapor lamp for residential or commercial use, \$18.34 per month.

(10) *Schedule 6-W.* Customers under rate service schedule 6-W shall be billed:

- a. A monthly energy charge equal to the sum of the actual LAC/DOE electric resource pool unit cost for the applicable month plus \$.016 per kilowatt hour for the water production system; and
- b. A monthly demand charge equal to the actual LAC/DOE electric resource pool demand cost per kW times the water production system kW demand coincident with the LAC/DOE electric resource pool demand for the applicable month.

(11) *Schedule 6-T and 6-U.*

- a. Customers under rate service schedule 6-T and 6-U shall be billed:
 - 1.

During the winter season beginning at 12:00 midnight on October 1 through 11:59 p.m. on April 30 of each year at an on-peak rate of \$0.1269 per kWh and an off-peak rate of \$0.0891 per kWh; and

2. During the summer season beginning at 12:00 midnight on May 1 through 11:59 p.m. on September 30 of each year at an on-peak rate of \$0.1232 per kWh and an off-peak rate of \$0.0808 per kWh.
- b. For purposes of this rate service schedule 6-T and 6-U, on-peak hours are defined for the winter season as beginning at 9:00 a.m. and ending at 10:00 p.m. each weekday. On-peak hours are defined for the summer season as beginning at 9:00 a.m. and ending at 8:00 p.m. each weekday. Off-peak hours for winter and summer seasons are defined as any hours not otherwise defined as on-peak.

(12) *Schedule 6-V and 6-Y.*

- a. Customers under rate service schedule 6-V and 6-Y shall be billed:
 1. During the winter season beginning at 12:00 midnight on October 1 through 11:59 p.m. on April 30 of each year at an on-peak rate of \$0.1209 per kWh and an off-peak rate of \$0.0849 per kWh; and
 2. During the summer season beginning at 12:00 midnight on May 1 through 11:59 p.m. on September 30 of each year at an on-peak rate of \$0.1174 per kWh and an off-peak rate of \$0.0770 per kWh.
- b. For purposes of this rate service schedule 6-V and 6-Y, on-peak hours are defined for the winter season as beginning at 9:00 a.m. and ending at 10:00 p.m. each weekday. On-peak hours are defined for the summer season as beginning at 9:00 a.m. and ending at 8:00 p.m. each weekday. Off-peak hours for winter and summer seasons are defined as any hours not otherwise defined as on-peak.

(13) *Schedule 6-S.* Each customer under rate service schedule 6-S shall be charged \$11.00 per kW of peak demand plus \$0.0821 per kilowatt.

(Ord. No. 74-50, § 1, 1981; Ord. No. 74-73, § 1, 1982; Ord. No. 74-87, § 1, 1983; Ord. No. 85-03, § 1, 1984; Ord. No. 85-31, 1985; Ord. No. 85-63, § 1, 1987; Ord. No. 85-74, § 2, 1988; Ord. No. 85-84, § 2, 1988; Ord. No. 85-106, § 2, 1989; Ord. No. 85-158, § 1, 1992; Ord. No. 85-207, § 1, 1994; Ord. No. 85-215, § 1, 1995; Ord. No. 85-230, § 1, 1996; Code 1985, § 13.08.030; Ord. No. 02-063, § 1, 4-12-2005; Ord. No. 02-090, § 1, 7-24-2007; Ord. No. 02-095, § 1, 7-8-2008; Ord. No. 02-096, § 1, 9-9-2008; Ord. No. 02-115, § 3, 2-22-2011; Ord. No. 02-237, § 1, 12-17-2013; Ord. No. 02-255, § 1, 2-17-2015)

Sec. 40-124. - Minimum monthly bill.

The applicable monthly customer service charge shall constitute the minimum monthly bill for each customer even though no energy charge is incurred.

(Ord. No. 74-73, § 1, 1982; Ord. No. 74-87, § 1, 1983; Ord. No. 85-03, § 1, 1984; Ord. No. 85-31, 1985; Ord. No. 85-63, § 1, 1987; Code 1985, § 13.08.040)

Sec. 40-125. - Taxes, assessments and limitations of rates.

- (a) *Special tax and assessment clause.* Billing under schedules defined in this article may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act, NMSA 1978, § 7-9-1 et seq., and all other taxes, fees or charges (exclusive of ad valorem, state and federal income taxes) payable by the county utilities department and levied or assessed by any governmental authority on the electric power service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendering of the service.
- (b) *Limitation of rates.* Electric power under these schedules shall not be resold and is not available for standby service.

(Ord. No. 85-63, § 2, 1987; Code 1985, § 13.08.050)

Secs. 40-126—40-150. - Reserved.

DIVISION 3. - GAS RATES

Sec. 40-151. - Gas rate schedules 7A and 7E.

- (a) *Residential service schedule 7A.* The residential rate applies to customers in a single dwelling or in a single dwelling unit of a multiple dwelling or apartment for domestic purposes only.
- (b) *General commercial and industrial service schedule 7E.* The commercial and industrial rate applies to customers for use in or in connection with any commercial, business or industrial activities, including multiple dwelling units where service for more than one unit is taken through a master meter, and to other customers not otherwise specifically falling within another class.
- (c) *Service charge.*
 - (1) Per meter rated 250 CFH or less: \$9.50 per month;
 - (2) Per meter rated more than 250 CFH: \$28.50 per month.
- (d) *Gas consumption charge.*
 - (1) The gas consumption charge for schedules 7A and 7E shall be made up of three components: fixed cost recovery, a variable cost of gas component, and an extraordinary gas cost recovery fee.
 - i.

The fixed cost recovery shall be \$0.23 per therm (one therm is equal to 100,000 British Thermal Units (BTU)) through September 30, 2022; \$0.25 after September 30, 2022; \$0.27 after September 30, 2023; \$0.29 after September 30, 2024; \$0.30 after September 30, 2025.

- ii. The variable cost of gas rate shall be calculated each month based on the projected cost of gas for the billing month plus an adjustment for any prior over or under collection for gas purchases and/or gas transportation costs, provided, however that the variable cost of gas rate shall not be lower than \$0.11 per therm per month.
- iii. The extraordinary gas cost recovery charge shall be \$0.44 per therm per month and shall be assessed for two years from the effective date of this ordinance, ending not later than April 8, 2025. Upon full recovery of the extraordinary gas cost fee, the utility shall immediately terminate collecting this component of the gas consumption charge, and this component of the gas component charge shall automatically sunset.

- (2) The projected cost of gas shall be at the rate as stated on the San Juan Index or any recognized index that may replace the San Juan Index.
- (3) Should the variable cost of gas exceed \$4.00 per therm, the billed rate to consumers shall not reflect the cost of gas over that amount until the rate is approved by an ordinance of the council.

(Ord. No. 74-54, § 1, 1981; Ord. No. 74-74, § 1, 1982; Ord. No. 74-103, § 1, 1984; Ord. No. 85-04, § 1, 1984; Ord. No. 85-10, § 1, 1985; Ord. No. 85-57, § 1, 1986; Ord. No. 85-75, § 1, 1988; Ord. No. 85-95, § 1, 1988; Ord. No. 85-98, § 1, 1989; Ord. No. 85-137, § 1, 1991; Ord. No. 85-157, § 1, 1992; Ord. No. 85-184, § 1, 1993; Ord. No. 85-216, § 1, 1995; Ord. No. 85-246, § 1, 1997; Ord. No. 85-252, § 1, 1998; Code 1985, § 13.12.010; Ord. No. 85-268, § 1, 1999; Ord. No. 85-282, § 1, 9-12-2000; Ord. No. 85-299, § 1, 9-25-2001; Ord. No. 85-302, § 1, 11-6-2001; Ord. No. 02-024, § 1, 3-11-2003; Ord. No. 02-026, § 1, 6-10-2003; Ord. No. 02-070, § 1, 11-1-2005; Ord. No. 02-082, § 1, 11-14-2006; Ord. No. 02-104, § 1, 11-17-2009; Ord. No. 02-114, § 1, 1-25-2011; Ord. No. 02-232, § 1, 10-29-2013; Ord. No. 02-268, § 1, 9-27-2016; Ord. No. 02-340, § 1, 3-28-2023)

Sec. 40-152. - Gas rate schedules 7L and 7N.

(a) *Applicability.*

- (1) *Schedule 7L:* Interdepartmental service—Incorporated County of Los Alamos.
- (2) *Schedule 7N:* Schools service—Los Alamos public schools.

(b) *Service charge.*

- (1) Per meter rated 250 CFH or less: \$9.50 per month;
- (2) Per meter rated more than 250 CFH: \$28.50 per month.

(c) *Gas consumption charge.*

- (1)

The gas consumption charge for schedules 7L and 7N shall be made up of three components: fixed cost recovery, a variable cost of gas component, and an extraordinary gas cost recovery fee.

- i. The fixed cost recovery shall be \$0.20 per therm (one therm is equal to 100,000 British Thermal Units (BTU)) through September 30, 2022; \$0.22 after September 30, 2022; \$0.24 after September 30, 2023; \$0.26 after September 30, 2024; \$0.27 after September 30, 2025.
 - ii. The variable cost of gas rate shall be calculated each month based on the projected cost of gas for the billing month plus an adjustment for any prior over or under collection for gas purchases and/or gas transportation costs, provided, however that the variable cost of gas rate shall not be lower than \$0.11 per therm per month.
 - iii. The extraordinary gas cost recovery charge shall be \$0.44 per therm per month and shall be assessed for two years from the effective date of this ordinance, ending not later than April 8, 2025. Upon full recovery of the extraordinary gas cost fee, the utility shall immediately terminate collecting this component of the gas consumption charge, and this component of the gas component charge shall automatically sunset.
- (2) The projected cost of gas shall be at the rate as stated on the San Juan Index or any recognized index that may replace the San Juan Index.
- (3) Should the variable cost of gas exceed \$4.00 per therm the billed rate to consumers shall not reflect the cost of gas over that amount until the rate is approved by an ordinance of the council.

(Ord. No. 74-54, § 1, 1981; Ord. No. 74-74, § 1, 1982; Ord. No. 74-103, § 1, 1984; Ord. No. 85-04, § 1, 1984; Ord. No. 85-10, § 1, 1985; Ord. No. 85-57, § 2, 1986; Ord. No. 85-75, § 2, 1988; Ord. No. 85-95, § 1, 1988; Ord. No. 85-98, § 1, 1989; Ord. No. 85-137, § 1, 1991; Ord. No. 85-157, § 1, 1992; Ord. No. 85-184, § 1, 1993; Ord. No. 85-216, § 2, 1995; Ord. No. 85-246, § 2, 1997; Ord. No. 85-252, § 2, 1998; Code 1985, § 13.12.020; Ord. No. 85-268, § 2, 1999; Ord. No. 85-282, § 1, 9-12-2000; Ord. No. 85-299, § 2, 9-25-2001; Ord. No. 85-302, § 2, 11-6-2001; Ord. No. 02-024, § 2, 3-11-2003; Ord. No. 02-026, § 2, 6-10-2003; Ord. No. 02-070, § 2, 11-1-2005; Ord. No. 02-082, § 2, 11-14-2006; Ord. No. 02-104, § 2, 11-17-2009; Ord. No. 02-114, § 2, 1-25-2011; Ord. No. 02-232, § 2, 10-29-2013; Ord. No. 02-268, § 2, 9-27-2016; Ord. No. 02-340, § 2, 3-28-2023)

Sec. 40-153. - Special tax and assessment clause.

Billing under these schedules may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act, NMSA 1978, § 7-9-1 et seq., and all other taxes, fees, or charges (exclusive of ad valorem, state, and federal income taxes) payable by the county utilities department and levied or assessed by any governmental authority on the natural gas service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendering of the service.

(Ord. No. 85-98, § 1, 1989; Ord. No. 85-137, § 1, 1991; Ord. No. 85-157, § 1, 1992; Code 1985, § 13.12.030)

Sec. 40-154. - Reserved.

Editor's note— Ord. No. 02-268, § 3, adopted Sept. 27, 2016, repealed § 40-154 which pertained to reporting and sunset and derived from Ord. No. 02-232, § 3, adopted Oct. 29, 2013.

Secs. 40-155—40-170. - Reserved.

DIVISION 4. - WATER RATES

Sec. 40-171. - Potable water rate schedule 8-A.

(a) *Applicability.* Potable water rate schedule 8-A is applicable to all classes of retail customers whether commercial, residential or otherwise. The rate shall consist of a service charge plus a water consumption charge.

(b) *Service charge.*

	Service Charge Per Meter Per Month				
Water Meter Size	Through 10/31/2022	From 11/1/2022 through 09/30/2023	From 10/01/2023 through 09/30/2024	From 10/01/2024 through 09/30/2025	After 9/30/2025
1-inch and under	\$11.40	\$12.54	\$13.79	\$15.17	\$16.69
1½-inch	\$36.10	\$39.71	\$43.68	\$48.05	\$52.86
2-inch	\$53.88	\$59.27	\$65.20	\$71.72	\$78.89
3-inch	\$106.33	\$116.96	\$128.66	\$141.53	\$155.68
4-inch	\$181.06	\$199.17	\$219.09	\$241.00	\$265.10
6-inch	\$382.23	\$420.45	\$462.50	\$508.75	\$559.63

8-inch	\$631.54	\$694.69	\$764.16	\$840.58	\$924.64
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(c) *Water consumption charge.* The water consumption charge shall be charged to each customer billed under rate schedule 8-A according to the following schedules:

	Consumption October 1 through April 30 (Non-Peak Season)			
	Commodity Rate per 1,000 Gallons			
	Monthly Consumption	9,000 gal or less	Over 9,000 gal to 15,000 gal	Over 15,000 gal
Single family Residential	Through 10/31/2022	\$6.02	\$6.02	\$6.02
	11/01/2022 to 09/30/2023	\$6.50	\$6.50	\$6.50
	10/01/2023 to 09/30/2024	\$6.83	\$6.83	\$6.83
	10/01/2024 to 09/30/2025	\$7.17	\$7.17	\$7.17
	After 09/30/2025	\$7.53	\$7.53	\$7.53

Multi-family Residential	Through 10/31/2022	\$6.02	\$6.02	\$6.02
	11/01/2022 to 09/30/2023	\$6.50	\$6.50	\$6.50
	10/01/2023 to 09/30/2024	\$6.83	\$6.83	\$6.83
	10/01/2024 to 09/30/2025	\$7.17	\$7.17	\$7.17
	After 09/30/2025	\$7.53	\$7.53	\$7.53
Commercial	Through 10/31/2022	\$6.02	\$6.02	\$6.02
	11/01/2022 to 09/30/2023	\$6.50	\$6.50	\$6.50
	10/01/2023 to 09/30/2024	\$6.83	\$6.83	\$6.83
	10/01/2024 to 09/30/2025	\$7.17	\$7.17	\$7.17
	After 09/30/2025	\$7.53	\$7.53	\$7.53

County/schools	Through 10/31/2022	\$6.02	\$6.02	\$6.02
	11/01/2022 to 09/30/2023	\$6.50	\$6.50	\$6.50
	10/01/2023 to 09/30/2024	\$6.83	\$6.83	\$6.83
	10/01/2024 to 09/30/2025	\$7.17	\$7.17	\$7.17
	After 09/30/2025	\$7.53	\$7.53	\$7.53

	Consumption May 1 through September 30 (Peak Season)			
	Commodity Rate per 1,000 Gallons			
	Monthly Consumption	9,000 gal or less	Over 9,000 gal to 15,000 gal	Over 15,000 gal
Single family residential	Through 10/31/2022	\$6.02	\$6.40	\$7.65
	11/01/2022 to 09/30/2023	\$6.50	\$7.15	\$7.87
	10/01/2023 to 09/30/2024	\$6.83	\$7.51	\$8.26
	10/01/2024 to 09/30/2025	\$7.17	\$7.89	\$8.67
	After 09/30/2025	\$7.53	\$8.28	\$9.10

Multi-family residential	Through 10/31/2022	\$6.02	\$6.33	\$6.47
	11/01/2022 to 09/30/2023	\$6.50	\$6.50	\$6.50
	10/01/2023 to 09/30/2024	\$6.83	\$6.83	\$6.83
	10/01/2024 to 09/30/2025	\$7.17	\$7.17	\$7.17
	After 09/30/2025	\$7.53	\$7.53	\$7.53
Commercial	Through 10/31/2022	\$6.02	\$6.02	\$6.02
	11/01/2022 to 09/30/2023	\$6.50	\$6.50	\$6.50
	10/01/2023 to 09/30/2024	\$6.83	\$6.83	\$6.83
	10/01/2024 to 09/30/2025	\$7.17	\$7.17	\$7.17
	After 09/30/2025	\$7.53	\$7.53	\$7.53

County/schools	Through 10/31/2022	\$6.02	\$6.02	\$6.02
	11/01/2022 to 09/30/2023	\$6.50	\$6.50	\$6.50
	10/01/2023 to 09/30/2024	\$6.83	\$6.83	\$6.83
	10/01/2024 to 09/30/2025	\$7.17	\$7.17	\$7.17
	After 09/30/2025	\$7.53	\$7.53	\$7.53

Note: Multi-family includes dwelling units and apartments as defined in section 40-201.

(Ord. No. 74-51, § 1, 1981; Ord. No. 74-68, § 1, 1982; Ord. No. 74-75, § 1, 1982; Ord. No. 74-85, § 1, 1983; Ord. No. 74-108, § 1, 1984; Ord. No. 85-26, § 1, 1985; Ord. No. 85-56, § 1, 1986; Ord. No. 85-83, § 1, 1988; Ord. No. 85-101, § 1, 1989; Ord. No. 85-130, § 1, 1990; Ord. No. 85-156, § 1, 1992; Ord. No. 85-223, § 1, 1995; Code 1985, § 13.16.010; Ord. No. 85-270, § 1, 1999; Ord. No. 02-106, § 1, 3-23-2010; Ord. No. 02-118, § 1, 7-5-2011; Ord. No. 02-242, § 1, 7-8-2014; Ord. No. 02-267, § 1, 9-27-2016; Ord. No. 02-275, § 1, 8-8-2017; Ord. No. 02-294, § 1, 4-2-2019; Ord. No. 02-299, § 1, 11-26-2019; Ord. No. 02-328, § 1, 10-18-2022)

Sec. 40-172. - Special tax and assessment clause.

Billing under these potable water rate schedules may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act, NMSA 1978, § 7-9-1 et seq., and all other taxes, fees or charges (exclusive of ad valorem, state and federal income taxes) payable by the county utilities department and levied or assessed by any governmental authority on the water service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendering of the service.

(Ord. No. 74-85, § 2, 1983; Ord. No. 85-26, § 1, 1985; Code 1985, § 13.16.020)

Sec. 40-173. - Non-potable water rate charge.

The water consumption rate for non-potable water, including effluent reuse water, shall be \$3.03 per 1,000 gallons for consumption through October 31, 2022; \$3.18 per 1,000 gallons for consumption, November 1, 2022 through September 30, 2023; \$3.34 per 1,000 gallons for consumption, October 1, 2023

through September 30, 2024; \$3.51 per 1,000 gallons for consumption, October 1, 2024 through September 30, 2025; and \$3.69 per 1,000 gallons for consumption after September 30, 2025.

(Ord. No. 74-86, § 1, 1983; Ord. No. 85-26, § 1, 1985; Code 1985, § 13.16.030; Ord. No. 02-113, § 1, 1-25-2011; Ord. No. 02-277, § 1, 9-26-2017; Ord. No. 02-294, § 2, 4-2-2019; Ord. No. 02-299, § 2, 11-26-2019; Ord. No. 02-328, § 2, 10-18-2022)

Sec. 40-174. - Reserved.

Editor's note— Ord. No. 02-113, § 2, adopted January 25, 2011, repealed § 40-174, which pertained to effluent water rate charge and derived from Ord. No. 85-186, § 1, 1993; Ord. No. 85-209, § 1, 1994; Ord. No. 85-243, § 1, 1997; Code 1985, § 13.16.040.

Sec. 40-175. - Bulk delivery rate schedule 8-D.

- (a) Applicability. Schedule 8-D is applicable to all bulk water sold and delivered to bulk points of delivery. The rate shall consist of a service charge plus a water consumption charge.
- (b) The bulk delivery rate for water sold and delivered to bulk points of delivery shall be \$4.13 per 1,000 gallons for consumption through October 31, 2022; \$4.83 per 1,000 gallons for consumption November 1, 2022 through September 30, 2023; \$5.07 per 1,000 gallons for consumption October 1, 2023 through September 30, 2024; \$5.32 per 1,000 gallons for consumption October 1, 2024 through September 30, 2025; and \$5.59 per 1,000 gallons for consumption after September 30, 2025.
- (c) The customer service charge for water sold and delivered to bulk points of delivery shall be \$778.84 per month per customer for service through October 31, 2022; \$817.78 per month per customer for service November 1, 2022 through September 30, 2023; \$858.67 per month per customer for service October 1, 2023 through September 30, 2024; \$901.60 per month per customer for service October 1, 2024 through September 30, 2025; and \$946.68 per month per customer for service after September 30, 2025.

(Ord. No. 02-097, § 1, 9-9-2008; Ord. No. 02-118, § 2, 7-5-2011; Ord. No. 02-242, § 2, 7-8-2014; Ord. No. 02-267, § 2, 9-27-2016; Ord. No. 02-275, § 1, 8-8-2017; Ord. No. 02-294, § 3, 4-2-2019; Ord. No. 02-299, § 3, 11-26-2019; Ord. No. 02-328, § 3, 10-18-2022)

Secs. 40-176—40-200. - Reserved.

DIVISION 5. - SEWER RATES

Sec. 40-201. - Sewage service rate schedules.

- (a) Residential rate service schedule 6-A is applicable only for normal domestic sewer service for individual residences, dwelling units and apartments, where each unit is individually metered for water.
- (b) Residential rate service schedule 6-G is applicable only for normal domestic sewer service for multi-family dwelling units, apartments, and subdivisions or residential complexes where each unit is not individually metered by the county for water.
- (c) Commercial rate service schedule 6-K is applicable to all nonresidential sewer services.
- (d) *Customer charges.* Each sewage customer account shall be billed a customer charge of \$12.35 per billing cycle per account for billings processed through September 30, 2022; \$12.60 per month per account for billings processed after September 30, 2022; \$12.85 per month per account for billings processed after September 30, 2023; \$13.11 per month per account for billings processed after September 30, 2024; and \$13.37 per month per account for billings processed after September 30, 2025.
- (e) *Fixed charges.*
 - (1) To each customer billed under rate service schedule 6-A, \$44.72 per month per dwelling unit for billings processed through September 30, 2022; \$45.61 per month per dwelling unit for billings processed after September 30, 2022; \$46.52 per month per dwelling unit for billings processed after September 30, 2023; \$47.45 per month per dwelling unit for billings processed after September 30, 2024; and \$48.40 per month per dwelling unit for billings processed after September 30, 2025.
 - (2) To each customer billed under rate service schedule 6-G \$37.25 per month per dwelling unit for billings processed through September 30, 2022; \$38.00 per month per dwelling unit for billings processed after September 30, 2022; \$38.76 per month per dwelling unit for billings processed after September 30, 2023; \$39.54 per month per dwelling unit for billings processed after September 30, 2024; and \$40.33 per month per dwelling unit for billings processed after September 30, 2025.
- (f) *Variable rate.* The variable rate shall be applicable to customers billed under rate service schedule 6-K. The variable rate shall be \$21.04 per 1,000 gallons of potable water for billings processed through September 30, 2022; \$21.46 per 1,000 gallons for billings processed after September 30, 2022; \$21.89 per 1,000 gallons for billings processed after September 30, 2023; \$22.33 per 1,000 gallons for billings processed after September 30, 2024; and \$22.78 per 1,000 gallons for billings processed after September 30, 2025.

(Ord. No. 74-77, § 1, 1982; Ord. No. 74-109, § 1, 1984; Ord. No. 85-25, § 1, 1985; Ord. No. 85-53, § 1, 1986; Ord. No. 85-143, § 1, 1991; Ord. No. 85-204, § 1, 1994; Code 1985, § 13.20.010; Ord. No. 85-273, § 1, 1999; Ord. No. 02-016, § 1, 10-8-2002; Ord. No. 02-051, § 1, 2-8-2005; Ord. No. 02-089, § 1, 6-12-2007; Ord. No. 02-

105, § 1, 11-17-2009; Ord. No. 02-220, § 1, 8-2-2011; Ord. No. 02-229, § 1, 2-26-2013; Ord. No. 02-276, § 1, 7-25-2017; Ord. No. 02-288, § 1, 9-25-2018; Ord. No. 02-298, § 1, 11-26-2019; Ord. No. 02-325, § 1, 2-22-2022)

Editor's note— Section 3 of Ord. No. 02-229, states: Amended rates shall be applied at the next billing following effective date of this ordinance.

Sec. 40-202. - Determination of charges.

- (a) Residential customers (6-A and 6-G) will be billed for sewer service the customer charge pursuant to section 40-201(d) plus the fixed charge applicable pursuant to section 40-201(e).
- (b) Commercial customers (6-K) will be billed for sewer service the customer charge applicable pursuant to section 40-201(d) plus the variable charge applicable pursuant to section 40-201(f) multiplied by the customer's winter average or monthly usage of potable water, as metered during the previous winter measuring period or other measuring period as determined appropriate by the department of public utilities based on seasonal or other nontraditional water usage pattern. The minimum amount shall be 2,000 gallons. Plus, if applicable, charges under section 40-203.
- (c) The winter measuring period is defined as the three consecutive billing periods beginning with the first billing period with a billing date in the month of December. The monthly average usage of potable water metered during the winter measuring period shall apply for a 12-month period beginning on the first day of the billing cycle that falls in the month of April of the year in which the winter measuring period ends.
- (d) In the event the customer's water usage was initiated after the commencement of the previous winter measuring period, the monthly average usage of potable water shall be deemed to be equal to the average monthly usage of potable water for other comparable customers within the same class in the county.

(Ord. No. 85-25, § 1, 1985; Code 1985, § 13.20.020; Ord. No. 02-016, § 2, 10-8-02; Ord. No. 02-051, § 2, 2-8-2005; Ord. No. 02-089, § 2, 6-12-2007; Ord. No. 02-229, § 2, 2-26-2013; Ord. No. 02-276, § 2, 7-25-2017; Ord. No. 02-288, § 2, 9-25-2018; Ord. No. 02-298, § 2, 11-26-2019; Ord. No. 02-325, § 2, 2-22-2022)

Sec. 40-203. - Sewage system usage surcharge.

- (a) When biochemical oxygen demand, suspended solids or other pollutant concentrations from any customer exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge that will be added to the base sewage usage charge will be calculated as follows:

$$Cs = [Bc (B) + Sc (S) = Pc (P)] Vx$$

Cs	=	a surcharge for wastewaters of excessive strength
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Bc	=	O & M cost for treatment of a unit of biochemical oxygen demand (BOD)
B	=	concentration of BOD from a user above base level
Sc	=	O & M cost for treatment of a unit of suspended solids
S	=	concentration of suspended solids from a user above base level
Pc	=	O & M cost for treatment of a unit of any pollutant
P	=	concentration of any pollutant from a user above base level
Vx	=	volume contribution from a user per month as determined under determination of average usage

- (b) All measurements, tests and analyses used in calculating the sewage usage surcharge shall be performed according to the provisions of article IV of this chapter.

(Ord. No. 85-25, § 1, 1985; Code 1985, § 13.20.030)

Sec. 40-204. - Industrial cost recovery assessment.

- (a) Each industrial user shall pay its annual share of the total amount of any and all U.S. Environmental Protection Agency Water Pollution Control Construction grants and grant amendments for wastewater treatment works, each year for the useful life of the projects for which the grants were given, or 30 years, whichever is less. An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works such as strength, volume and delivery flow rate. As a minimum, the industry's share shall be proportionate to its flow in relation to treatment works flow capacity. This charge shall be reviewed annually to determine if there has been a substantial change in the characteristics of the industrial customer's sewage; if there has been such a change, the customer's share shall be adjusted accordingly. An industrial user's share shall include only that portion of the grant assistance allocable to its use or to capacity firmly committed to its use. Payments of the industrial cost recovery charge shall be made annually with the first payment due one year after the customer begins use of the treatment works.
- (b) Any industrial user or other party affected by the industrial cost recovery policy of the county may request an administrative hearing before the utilities manager regarding the reasonableness of the allocations and industrial cost recovery assessments imposed upon them, or the

administration of the industrial cost recovery system. The industrial user, or other affected parties, may at their option appeal the results of the administrative hearing to either or both the board of public utilities and the council.

- (c) Certain industrial users shall be excluded from the application of the industrial cost recovery assessment if they fall within the following categories:
 - (1) Industrial users which discharge only non-process, segregated domestic wastes or wastes from sanitary conveniences;
 - (2) Any industrial user which discharges 25,000 gallons per day or less of sanitary waste or a volume of process waste, or combined process and sanitary waste equivalent to 25,000 gallons per day or less of sanitary waste, if the discharge does not contain pollutants which interfere, or are incompatible with, or contaminate, or reduce the utility of sludge.
- (d) The term "industrial user," as used for industrial cost recovery, shall mean any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget, as amended and supplemented, under the following divisions:
 - (1) *Division A*: Agriculture, Forestry and Fishing;
 - (2) *Division B*: Mining;
 - (3) *Division D*: Manufacturing;
 - (4) *Division E*: Transportation, Communications, Electric, Gas and Sanitary Services;
 - (5) *Division I*: Services.

(Ord. No. 85-25, § 1, 1985; Code 1985, § 13.20.040)

Sec. 40-205. - Special tax and assessment clause.

Billings under schedules defined in this article may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act, NMSA 1978, § 7-9-1 et seq., and all other taxes, fees, or charges (exclusive of ad valorem, state, and federal income taxes) payable by the county utilities department and levied or assessed by any governmental authority on the sewer service rendered, or on the right or privilege of rendering the service, or on any object or even incidental to the rendering of the service.

(Ord. No. 85-153, § 1, 1992; Code 1985, § 13.20.050)

Secs. 40-206—40-240. - Reserved.

ARTICLE IV. - SEWER USE

Sec. 40-241. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the county board of public utilities.

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet or 1½ meters outside the outer face of the building wall.

Building sewer means the extension from the building sewerage piping to the public sewer or other place of disposal.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Improved lot means any lot which has had improvements constructed on it for human occupancy, employment, recreation or other purposes.

Industrial wastes means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Lot means any parcel of land platted and placed on record in accordance with law or a parcel of land described by metes and bounds having frontage on a dedicated street or easement held in separate ownership, as shown in the official records of the county.

Manager means the utilities manager of the county.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH means the logarithm of the reciprocal of the concentration of hydrogen ions in gram equivalents per liter of solution.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch or 1.27 centimeters in any dimension.

Public sewer means a sewer in which all owners of abutting properties have equal rights, and which is controlled by the county.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water and groundwater are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewage works means all facilities for collecting, pumping, treating and disposing of sewage.

Sewer means a pipe or conduit for carrying sewage.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average concentration or flow during a 24-hour period of normal operation.

Storm drain and *storm sewer* mean a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water or unpolluted industrial process waters.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

Utilities department means the county department of public utilities.

Watercourse means a channel in which a flow of water occurs, either continually or intermittently.

(Code 1985, § 13.04.010)

Cross reference— Definitions generally, § 1-2.

Sec. 40-242. - Use of public sewers required.

- (a) *Deposit of excrement or garbage.* It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property any human or animal excrement or any garbage. This subsection does not apply to the placing or depositing of animal excrement when the animals are kept and maintained in places and under conditions authorized or permitted by law.
- (b) *Prohibited discharge to storm sewer.* It is unlawful to discharge to any storm sewer or natural outlet any sewage or other polluted waters not meeting standards adopted by the board.
- (c) *Construction or maintenance of private sewage disposal facilities.* Except as provided in this article, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.
- (d)

Connection of building sewer to public sewer. If a public sanitary sewer is located in the street or other county property within 100 feet of the property line of any improved lot, or if a public sewer is in an easement burdening any improved lot, then the owner of each such lot shall connect the building sewer to the public sewer. The board is authorized to waive this requirement upon the application of the owner of an improved lot when the board finds that all of the following exist:

- (1) The public sewer was located after the lot was improved;
 - (2) The provisions for private sewage disposal for the lot are adequate and there is no reason to believe they will not continue to be adequate; and
 - (3) Features of the terrain would require construction of such a nature as to make the costs of the connection unreasonable.
- (e) *Failure to connect with public sewer.* It is unlawful for the owner of any improved lot to fail to make such connection within 90 days after he has received notice from the manager to do so.

(Code 1985, § 13.04.020)

Sec. 40-243. - Private sewage disposal.

- (a) *Connection required.* Where the building sewer is not connected to a public sanitary sewer, it shall be connected to a private sewage disposal system complying with the provisions of this section.
- (b) *Application approval; fee.* Before a building permit is issued for construction which includes a private sewage disposal system, the application for the building permit shall be approved by the manager. An inspection fee in an amount of \$10.00 shall be charged in addition to the normal building permit fees when the construction involves the construction of a private sewage disposal plant.
- (c) *Inspection prior to issuance of certificate of occupancy.* The building inspector shall not issue the certificate of occupancy or the certificate of completion until the installation of the private sewage disposal plant has been approved by the manager. The manager shall be allowed to inspect the work at any stage of construction, and the applicant shall notify the manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days after the receipt by the manager of notice.
- (d) *Standards for private systems.* The type, capacities, location and layout of all private sewage disposal systems shall meet all standards of the board.
- (e) *Connection to public sewer (when available) required.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with section 40-242, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (f)

Adoption of installation standards. The board shall adopt standards covering the installation of private sewage disposal systems. These standards shall regulate the location, type, construction, operation and efficiency of private sewage disposal systems. The standards shall specify the population density of subdivisions or similar areas in which the use of private sewage disposal systems may be permitted upon a finding that it is not economical to extend the public sewer to serve the area because of the population density. The board may adopt, as part of such standards, standards adopted by the environmental improvement agency, environmental improvement board or mechanical board of the state, and such adoption may be verbatim or by reference, as the board may elect.

(g) *Systems constructed prior to March 27, 1974.* Nothing in this section shall require private sewage disposal systems to meet the standards of the board if such private sewage disposal systems are in place or authorized on March 27, 1974. A private sewage disposal system is authorized if its type, capacity and use has been specifically approved by the county planning commission in the course of that commission's consideration of a plat and proposed subdivision. Any private sewage disposal system authorized but not constructed on March 27, 1974, shall be constructed in accordance with the provisions of subsections (b) and (c) of this section and, with respect to location and layout, subsection (d) of this section. The relocation, including the relation of a drainfield, or major reconstruction or repair of any private sewage disposal system, shall be considered to be new construction for the purposes of this section, without regard as to when such private sewage disposal system was in place or authorized. The relocation or major reconstruction or repair shall be in accordance with all the procedures of this section and shall meet all the standards of the board.

(h) *Regular inspection; notice; abatement; annual inspection fees.* The utilities department shall inspect at regular intervals the operation of each private sewage disposal system in the county, without regard as to when such private sewage disposal system was in place or authorized, to determine whether its condition and operation meets the applicable health and environmental standards, and that it is not a hazard to health or a public nuisance. If the condition or operation of a private sewage disposal system is found not to meet any of those standards, the owner shall be given notice of such deficiency and shall be required to correct the condition or replace the system within the time period specified in the notice. The board shall set the amount of the annual fee to be paid by the owner of each private sewage disposal system for the inspections. For billing purposes, the year for which the fee is charged shall be from July 1 to June 30.

(Code 1985, § 13.04.030)

Sec. 40-244. - Building sewers and connections.

(a) *Permit required.* No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the utilities department.

(b) *Classes of permits.* There shall be two classes of building sewer permits:

- (1) For service to residential and commercial establishments;
- (2) For service to establishments producing industrial wastes.

In either case, at the time and place of application for a building permit, the owner or his agent shall make application on a special form furnished by the utilities department. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the manager. A permit and inspection fee in the amount set by the board for a residential or commercial building sewer permit or an amount set by the board for an industrial building sewer permit shall be paid to the county at the time the application is filed.

- (c) *Costs and expenses.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.
- (d) *Separate sewer for each building.* A separate and independent building sewer shall be provided for every building.
- (e) *Old sewers; use.* Old building sewers may be used in connection with new buildings when the sewers meet all requirements of this article.
- (f) *Introduction of stormwater, runoff or groundwater into public sanitary sewers.* No person shall introduce any stormwater, surface runoff or groundwater into a public sanitary sewer or into a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer. It shall not be a violation of this article to dispose of unexpected and extraordinary flood-waters from the interior of residences or stores (but not garages) through floor drains that are connected to the building drains.
- (g) *Connection requirements.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations, and to the utilities construction standards. Any deviation from the prescribed procedures and materials must be approved by the utilities department before installation.
- (h) *Readiness for inspection; notice.* The applicant for the building sewer permit shall notify the utilities department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the utilities department.

(Code 1985, § 13.04.040)

Sec. 40-245. - Use of the public sewers.

- (a) *Discharge of unpolluted waters prohibited; exception.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer, except under the conditions specified in section 40-244(f).

- (b) *Discharge of unpolluted drainage to storm sewers or natural outlets.* Stormwater and all other unpolluted drainage shall be discharged to storm sewers or to a natural outlet approved by the county engineering department. Industrial cooling water or unpolluted process waters may be discharged, on approval of the county engineering department, to a storm sewer, combined sewer or natural outlet.
- (c) *Prohibited discharges.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) 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 sewage treatment process, constitute a hazard to humans, animals or vegetation, or create any hazard in the receiving waters of the sewage treatment plant including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.
 - (3) Any waters or wastes having a pH lower than 5.5, or in excess of 9.5, or having any other corrosive property, in quantities capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
 - (4) 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 sewage works, such as, but not limited to, stones, construction materials, ashes, cinders, sand, mud, straw, tree trimmings, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups or containers.
- (d) *Discharges requiring permit.* The discharge of any of the following substances into any sewer may constitute a hazard to the health and safety of persons, or is likely to damage vegetation or sewers, sewage treatment process or equipment or the receiving stream. The discharge of any of these substances into any sewer is not authorized without a permit from the manager. In determining whether to give a permit, the manager shall give consideration to such factors as the quantities of the wastes in relation to flows and velocities of the sewers, materials and construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, rules and regulations of any agency having jurisdiction over the discharge from the sewage treatment plant or over the material in question, and other pertinent factors. The substances are as follows:
- (1) Any liquid or vapor having a temperature higher than 180 degrees Fahrenheit or 82 degrees Celsius.
 - (2) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit or zero and 65 degrees Celsius.

- (3) Any garbage that has not been properly shredded.
- (4) Any waters or wastes containing strong acid pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the board.
- (6) Any waters or wastes containing phenols, other taste or odor-producing substances, or contaminants in such concentrations exceeding limits which may be established by the board so that, after treatment, the composite sewage will meet the requirements of the public agencies having jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable state or federal regulations.
- (8) Materials which exert or cause the following:
 - a. 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).
 - b. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - c. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - d. Unusual volume of flow or concentration of wastes constituting slugs.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.
- (e) *Refusal of wastes; exceptions.* If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in subsection (d) of this section, and which, in the judgment of the manager, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or property, the utilities department shall refuse to receive the wastes or shall:
 - (1) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (2) Require control over the quantities and rates of discharge; or
 - (3)

Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (j) of this section.

If the county permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the manager, and subject to the requirements of all applicable laws.

- (f) *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided by the person discharging the waste when, in the opinion of the manager, interceptors are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the utilities department, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (g) *Maintenance of pretreatment or flow-equalizing facilities.* Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (h) *Control manholes; location.* When required by the manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the utilities department. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (i) *Measurement, tests and analyses.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. If no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.
- (j) *Special agreements.* No statement contained in this section shall be construed as preventing any special agreement or arrangement between the manager and any person whereby an industrial waste of unusual strength or character may be accepted for treatment, subject to payment of all costs of treatment.

(Code 1985, § 13.04.050)

Sec. 40-246. - Powers and authority of inspectors.

The duly authorized employees of the county, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling and testing in accordance with the provisions of this article. This authority to enter shall not include the interiors of private parties' dwellings or living quarters, or the portions of commercial premises used as a dwelling, or the non-public portions of commercial premises, except upon obtaining a search warrant, or permission of the occupant, or permission of the party responsible therefor if the premises are unoccupied. The provisions of this section do not apply in the event of explosion, fire or like emergency.

(Code 1985, § 13.04.060)

Sec. 40-247. - Penalties for violation of article.

- (a) Any person found to be violating any provision of this article shall be served with written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. If the person, within the period of time stated in such notice, corrects the condition said to be a violation, no further action shall be taken.
- (b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section may be prosecuted and, on conviction, shall be fined in an amount not exceeding \$500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. No. 85-114, § 1, 1990; Code 1985, § 13.04.070)