

**ORDINANCE 2012-02**

**An ordinance amending chapter 8 and chapter 13 of the Belen Municipal Code Book  
and adding Appendix A to the Belen Municipal Code Book**

**UTILITY RATES AND CHARGES (Chapter 13.12)**

**Utility Connection Charges (13.12.010)**

A. Water line tap fee	Charge	
3/4-inch line	\$1,200.00	
1-inch line	\$1,250.00	
1 1/2-inch line	\$1,250.00	
2-inch line	\$1,750.00	
3-inch line	\$3,450.00	
4-inch line	\$4,750.00	
6-inch line	\$6,750.00	
B. New meter installation	Charge	
3/4-inch meter	\$160.00	
1-inch meter	\$280.00	
1 1/2-inch meter	\$730.00	
2-inch meter	\$800.00	
3-inch meter	\$1,250.00	
4-inch meter	\$3,750.00	
6-inch meter	\$5,400.00	
C. Sewer line tap fee	\$525.00	
Paving Cuts	\$175.00	Plus material at the current market price

**Water Rates (13.12.020)**

**A. Residential Single-family Homes**

**1. Inside city limits**

Single-family Homes Base Rate (0 to 3000 gallons)	\$21.37	4% each year
3,001 to 6,000 gallons	\$3.01	5% each year
6,001 to 10,000 gallons	\$3.37	5% each year
10,001 to 25,000 gallons	\$3.79	5% each year
Over 25,000 gallons	\$4.24	5% each year

**2. Outside city limits**

Single-family Homes Base Rate (0 to 3000 gallons)	\$41.48	5% each year
3,001 to 6,000 gallons	\$4.01	6% each year
6,001 to 10,000 gallons	\$4.32	6% each year
10,001 to 25,000 gallons	\$4.67	6% each year
Over 25,000 gallons	\$5.05	6% each year

**B. Apartment Complexes, Mobile Homes Parks and Multifamily Housing Units.**

**1. Inside city limits**

Single-family Homes Base Rate (0 to 3000 gallons)	\$21.37	4% each year
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Appendix A  
Rate and Fee Table

3,001 to 6,000 gallons	\$3.01	5% each year
6,001 to 10,000 gallons	\$3.37	5% each year
10,001 to 25,000 gallons	\$3.79	5% each year
Over 25,000 gallons	\$4.24	5% each year
2. Outside city limits		
Single-family Homes Base Rate (0 to 3000 gallons)	\$41.48	5% each year
3,001 to 6,000 gallons	\$4.01	6% each year
6,001 to 10,000 gallons	\$4.32	6% each year
10,001 to 25,000 gallons	\$4.67	6% each year
Over 25,000 gallons	\$5.05	6% each year
C. Commercial inside city limits		
1. Inside city limits		
Minimum basic rate (0 to 3000 gallons)	\$21.37	4% each year
3,001 to 6,000 gallons	\$3.01	5% each year
6,001 to 10,000 gallons	\$3.37	5% each year
10,001 to 25,000 gallons	\$3.79	5% each year
25,001 to 40,000 gallons	\$4.24	5% each year
40,001 to 60,000 gallons	\$4.66	5% each year
60,001 to 100,000 gallons	\$5.25	5% each year
Over 100,000 gallons	\$5.66	5% each year
2. Outside city limits		
Minimum basic rate (0 to 3000 gallons)	\$41.48	5% each year
3,001 to 6,000 gallons	\$4.67	6% each year
6,001 to 10,000 gallons	\$4.83	6% each year
10,001 to 25,000 gallons	\$5.00	6% each year
25,001 to 40,000 gallons	\$5.18	6% each year
40,001 to 60,000 gallons	\$5.36	6% each year
60,001 to 100,000 gallons	\$5.55	6% each year
Over 100,000 gallons	\$5.75	6% each year
<b>Sewer rates (13.12.030)</b>		
A. Residential Single-family Homes		
1. Inside city limits		
Base Rate (0 to 3000 gallons)	\$25.91	4% each year
Over 3,000 gallons	\$3.32	5% each year
2. Outside city limits		
Base Rate (0 to 2000 gallons)	\$27.02	5% each year
Over 2,000 gallons	\$4.75	6% each year
B. Commercial and Multifamily Housing		
1. Commercial inside city limits		
Minimum basic rate (0 to 3000 gallons)	\$25.91	4% each year
Over 3,000 gallons	\$3.32	5% each year
2. Commercial outside city limits		
Minimum basic rate (0 to 3000 gallons)	\$27.02	5% each year
Over 3,000 gallons	\$4.75	6% each year
3. Multifamily Housing		

Appendix A  
Rate and Fee Table

Minimum basic rate per housing unit (0 to 3000 gallons)	\$25.91	4% each year
Over 3,000 gallons	\$3.60	5% each year
<b>Additional assessments (13.12.040)</b>		
A. Fire hydrant charge	\$1.00	
B. Revenue bond	\$1.00	
C. Bulk fire hydrant use residential/commercial		
1. Residential User		
Minimum basic rate (0 to 1,000 gallons)	\$58.30	10% each year
Per 1,000 gallons used	\$5.11	8% each year
Failure to report hydrant meter readings	\$200.00	Fine
2. Commercial User		
Monthly meter rental fee	\$275.00	10% each year
Per 1,000 gallons used	\$5.11	8% each year
Deposit for hydrant meter to cover lost, stolen, or damage	\$950.00	Refundable
Failure to obtain a hydrant meter	\$500.00	Fine
Failure to report monthly hydrant meter readings	\$200.00	Fine
D. Service Call		
Regular business hour rate	\$25.00	
Off hour and holiday rate	\$50.00	
<b>Deposits for water and sewer service (13.12.050):</b>		
A. Meter Deposits on owner occupied residential	\$120.00	
B. Meter Deposits on non-owner occupied residential	\$160.00	
C. Commercial, institutional and industrial users:	\$300.00	
Two months average water, sewer and sanitation charges for residential or commercial.		
<b>Return Payment Fee (13.12.070)</b>		
	\$35.00	
<b>Damage to Meters or City Owned Utilities (13.12.080)</b>		
Tampering fee	\$100.00	First offense, Doubles with each offense.
<b>Delinquent accounts (13.12.100)</b>		
A. Reconnection of services due to delinquency	\$50.00	10% per month First offense, increase by \$50.00 with each subsequent offense, \$200.00 max
B. Reinstallation of meter following removal for delinquency	\$200.00	
<b>Lost or Damage to Containers (8.08.090)</b>		
Replacement container	\$75.00	
<b>Garbage Collection Rate (8.08.160)</b>		
A. Residential Rate including one cart	\$22.61	per single family residence per month
Additional cart (maximum 2 carts)	\$7.61	per cart per

Appendix A  
Rate and Fee Table

Reasonable quantity of overages	\$30.20	month
Customer-caused missed pick up charge	\$7.25	per missed pickup
<b>B. Commercial Carts</b>	<b>\$28.67</b>	month
Each Additional Cart	\$28.67	month
<b>C. Commercial Dumpsters</b>	See table	

SIZE	FREQUENCY OF PICKUPS PER WEEK						EXTRA P/U
	1	2	3	4	5	6	
1 YD	\$74.71	\$107.44					
2 YD	\$74.71	\$107.44	\$140.15	\$172.87	\$205.59		\$25.39
3 YD	\$91.07	\$140.50	\$189.23	\$238.31	\$312.65		\$35.77
4 YD	\$107.44	\$172.88	\$238.31	\$303.72	\$369.71		\$45.95
6 YD	\$140.15	\$238.31	\$336.46	\$432.72	\$532.77		\$66.31
8 YD	\$172.88	\$303.73	\$434.61	\$565.48	\$696.34	\$827.11	\$86.66

**D. Front End Loader Compactor**  
**SIZE**

SIZE	FREQUENCY OF PICKUPS PER WEEK					EXTRA P/U
	1	2	3	4	5	
4 YD	\$150.72	\$485.51	\$711.47	\$932.17	\$1,108.79	\$170.81
6 YD	\$374.63	\$707.27	\$1039.89	\$1,307.18	\$1,612.08	\$236.84

**Special Rates (8.080.170)**

A. Special Pickup Service (Base Rate)	\$19.68	Per Pickup Load
Appliances and Furniture	\$29.30	Per Pickup Load
B. Transfer Station Fee and Permit (This rate is based on a regular size pickup truck load measuring approximately 79"L X 72"W X 24"H or 78 Cubic Ft.)	\$5.25	Per Pickup Load or Equivalency

**Fee Included in Water Bill (8.08.180)**

Deposit for carts	\$60.00
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**PASSED, APPROVED, AND ADOPTED THIS 20<sup>TH</sup> DAY OF  
FEBRUARY 2012.**

**APPROVED:**

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**Rudy Jaramillo, Mayor**

**ATTESTED:**

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**Mary Lucy Baca, Interim City Manager, CMC**

## Amendments to Chapter 8.08 Chapter 8.08 - GARBAGE, TRASH AND REFUSE

### Sections:

- 8.08.010 - Definitions.
- 8.08.020 - Accumulation of garbage, refuse and debris—Removal.
- 8.08.030 - Garbage and refuse—Precollection practices.
- 8.08.040 - Repealed
- 8.08.050 - Garbage and refuse containers.
- 8.08.060 - Refuse hauling.
- 8.08.070 - Collection hours.
- 8.08.080 - Toxic, flammable or explosive refuse.
- 8.08.090 - Lost or damage to containers.
- 8.08.100 - Construction sites and transportation of materials.
- 8.08.110 - Scavenging prohibited.
- 8.08.120 - Regulations adopted.
- 8.08.130 - Plastic bags for garbage.
- 8.08.140 - Medical waste.
- 8.08.150 - Exclusive rights.
- 8.08.160 - Garbage collection rates.
- 8.08.170 - Special rates.
- 8.08.180 - Fee included in water bill.
- 8.08.190 - Applicability of provisions.
- 8.08.200 - Violation—Penalty.

### 8.08.010- Definitions.

As used in this chapter, the following words shall have the following meanings:

"Manager" means the manager of the City of Belen or his authorized representative.

"Ashes" means residue from fires used for cooking and for heating buildings.

"Business, commercial establishment or institution" means any building, structure or premises not defined as a residence.

"Code enforcement officer" is the city official charged with enforcement of this chapter and other provisions of this code relating to public health. Notwithstanding any authorization when the code enforcement officer by this chapter, all decisions shall be subject to the review by the city manager.

"Commercial garbage" means any garbage produced by a business, commercial establishment or institution.

"Construction and demolition debris" means materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing materials, pipe, gypsum wallboard and lumber from the construction or destruction of a structure project, and includes rocks, soil, tree remains, trees and other vegetative matter that normally results from land clearing.

"Contractor" is the private refuse collection contractor to whom the city has awarded a contract for the collection and hauling of the city residential solid waste.

"Garbage" means wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

"Hauler" is any person, joint enterprise or corporation who collects refuse, garbage or debris from any property not owned by the person, joint enterprise or corporation.

"Litter" is refuse, garbage or debris found in public areas that has been discarded by any person.

"Refuse" means combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch-basin dirt and contents of litter receptacles. Refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

"Residence" means any building or structure used solely as a family dwelling unit.

"Single or multifamily dwelling units" means

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apartments, rooming houses and boarding houses, but shall not include hotels, tourist courts, motels, motor courts, trailer courts or apartment hotels.

(Ord. 2002-06 (part); Ord. 1998-1 (part), 1998)

**8.08.020-** Accumulation of garbage, refuse and debris— Removal.

A. No person shall permit to accumulate upon premises owned, leased or occupied by him, any garbage or refuse, except in covered watertight containers made of metal or plastic.

B. No person shall throw, place, dump or dispose of any debris on any street, gutter, sidewalk or alley, nor shall any person allow the accumulation upon any property or cause accumulation on any adjoining property, of any debris for a longer period than five (5) days.

C. No person shall cause or permit to remain upon any property, private or public, any dead animal or vegetable or mineral matter or any composition or residue thereof which is in an unsanitary condition or is hazardous to public health.

D. Any unauthorized accumulation of garbage, refuse or debris is declared to be a nuisance and is prohibited.

E. No person shall cast, place, sweep or deposit anywhere in the city any garbage, refuse or debris in such a manner that it may be carried or deposited by the elements upon the street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.

F. Subject to any limitations otherwise provided by law, the code enforcement officer is authorized to inspect all containers and bins and enter any private property or private premises where he has reasonable cause to suspect that unlawful accumulations of refuse may exist.

1. If, on the basis of such inspections, the code enforcement officer finds that any of subsections (A) through (E) have not been complied with or that a health hazard exists, the code enforcement

officer shall notify the person in charge of the premises (whether owner, tenant, lessee, manager or other person) where the unlawful refuse accumulations exist, to properly correct such conditions, within a designated period of time not to exceed ten (10) days.

2. Upon failure, neglect or refusal of any owner, tenant, lessee, manager or occupant to properly correct such conditions within the time prescribed (or within five (5) days after the return of such prescribed notice as undeliverable, if the notice is served by mail), the city manager may contract for the correction of the unlawful refuse accumulation, or order its correction by the city, at the expense of the owner, tenant, lessee, manager or occupant in charge of the property.

3. The cost of correction shall be a lien on the property, and shall remain in full force and effect for the amount due plus interest (at the legal rate from the date of the filing of the lien until paid) and all other cost, including attorney fees. The lien shall be enforced and foreclosed according to applicable state law.

G. Where the code enforcement officer finds that immediate measures are required to alleviate a threat to the public health and safety due to certain unlawful refuse accumulations, the city manager may waive the ten (10) day notification period in order to take whatever steps are necessary for correction of the accumulation.

H. Costs for correction of unlawful refuse accumulations shall be determined on the basis of labor, equipment at a normal rental rate per day, plus any direct costs paid by the city to correct the accumulation.

I. Nothing in subsection (F) of this section shall be construed to require any notice before the filing of a municipal court action for a violation of this section.

(Ord. 1998-1 (part), 1998)

**8.08.030-** Garbage and refuse—Precollection practices.

A. Garbage and refuse shall be placed and

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maintained in containers of a type as provided by the city.

B. It shall be the responsibility of all persons to dismantle and/or flatten all boxes or packing crates, regardless of construction, and to bundle all tree clippings, before placing the same in garbage containers.

C. The following items of solid waste shall not be placed in regular collection containers, and the producers of such solid waste will be required to individually contract with an independent contractor or hauler for the disposal of such solid waste: poisons, acids, caustics, chemicals, explosives, waste contaminated by infectious diseases, radioactive waste, dead animals, live pests, rocks, sand, dirt, concrete, bricks and building materials.

D. Garbage disposed of in containers provided by the city shall be first deposited in closed fly-proof containers.

E. Motor oil and similar liquid material shall be disposed of only in sealed containers by arrangement with the city solid waste supervisor. All such disposal shall be done in accordance with environmental protection agency standards.

(Ord. 1998-1 (part), 1998)

**8.08.050-** Garbage and refuse containers.

A. Garbage and refuse containers shall be provided by the contractor or hauler and shall be made of metal or plastic, with tight-fitting covers, and shall be watertight.

B. All garbage and refuse containers provided by the contractor or hauler contractor or hauler shall be kept in a neat and sanitary condition at all times.

C. Residential Containers. The contractor or hauler shall provide one minimum ninety-(90) gallon cart to each residential unit.

D. Commercial Containers. All commercial containers shall be provided through the contractor or hauler (available in ninety- (90) gallon; two (2) cubic yard;

three (3) cubic yard; four (4) cubic yard; six (6) cubic yard and eight (8) cubic yard containers) for all types of solid waste except for materials of toxic or highly explosive nature.

E. All residential and commercial users shall comply with the rules and regulations established by the city for the use, care and location of solid waste containers and shall keep the lids and covers furnished for such containers closed at all times except when they are being filled or emptied.

F. All solid waste containers shall be placed where directed by the contractor or hauler unless otherwise specified by the code enforcement officer. It is unlawful to block or impede access to a container that is located as directed.

G. Refuse containers serving residential accounts shall be used only by residential customers for refuse generated on residential premises; those serving commercial accounts shall be used only by the customer served by the particular account and those authorized by that customer. Dumping in violation of this provision is a misdemeanor, except nothing in this subsection shall be construed to prohibit the deposit of litter into any refuse container.

H. Any and all commercial businesses, including but not limited to, apartments, motels, and duplexes, shall retain the appropriate number of container(s) in order to accommodate the volume of waste being generated.

I. Any restaurant or business within the city limits, who deals with grease or oil shall retain the proper container for the proper disposal.

J. No person shall remove for their own use, someone else's receptacle. To do so, shall result in fines and penalties and could be prosecuted to the fullest extent of the law.

(Ord. 1998-1 (part), 1998); (Ord. No. 2009-03, 2009)

**8.08.060-** Refuse hauling.

Any refuse transported by a vehicle through the City of Belen shall be covered as to prevent debris from falling,

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blowing or leaking on to the city's streets or alleys. It shall be the responsibility of the hauler to clean up any refuse that has fallen, blown or leaked from a vehicle while in the conveyance, through the streets or alleys of Belen. All state and federal laws shall apply.

(Ord. 1998-1 (part), 1998)

**8.08.070-** Collection hours.

The hours for collection of garbage, trash and refuse shall be designated by the city manager and shall be a minimum of once weekly for residential.

(Ord. 1998-1 (part), 1998)

**8.08.080-** Toxic, flammable or explosive refuse.

Toxic, highly flammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the code enforcement officer and in accordance with any applicable state and federal regulations, at the expense of the person accumulating the same.

(Ord. 1998-1 (part), 1998)

**8.08.090-** Lost or damage to containers.

A. It is unlawful to maliciously damage any refuse container owned by the contractor or any hauler.

B. Any person that damages any container provided for the residential or commercial users shall be liable to the contractor or hauler for the cost of repair or replacement of such container.

C. It is prohibited for any person, including children, to be on or in sanitation containers.

D. All account holders shall be responsible for lost or stolen containers. Replacement containers are available at the current adopted rate.

(Ord. 1998-1 (part), 1998)

**8.08.100-** Construction sites and transportation of materials.

A. All persons who have secured a building permit

from the city before the start of any construction activity, shall furnish or place a container or fenced area of suitable size and design to contain all refuse which may be disturbed or removed from the premises by the wind or elements. Within five (5) working days of completion, all solid waste and containers shall be removed from the premises.

B. No person shall allow solid waste of any kind to be blown or to be carried by the elements from the premises for which the building permit was secured.

C. Persons engaged in demolition, who have obtained a permit from the city, must remove the debris and structural parts and contain their elements from scattering in the same manner as set out above. Demolition solid waste shall be removed and disposed of within five (5) working days of completion in a designated manner as prescribed by the code enforcement officer.

D. Any commercial user seeking additional services for construction solid waste, for remodeling solid waste, for solid waste not routinely generated, or for solid waste which is otherwise prohibited to be disposed of under this code, shall contract with and directly pay the contractor or hauler for the hauling of solid waste at a rate mutually negotiated.

E. Any person shall have the right to hire rolloff container contractors of their choice.

(Ord. 2002-06 (part); Ord. 1998-1 (part), 1998)

**8.08.110-** Scavenging prohibited.

It is unlawful for any person not authorized by the city or the designated user of a trash container to remove, collect or disturb the trash stored in such container or to open the lid intending to do so. No person shall remove any trash from a container and scatter the same upon any public or private property.

(Ord. 1998-1 (part), 1998)

**8.08.120-** Regulations adopted.

The laws and regulations promulgated and published by the State Environment Department, along with

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subsequent revisions and amendments are adopted by reference and made a part of this chapter. The penalty sections in such laws and regulations shall not be applicable to violations within this city.

(Ord. 1998-1 (part), 1998)

**8.08.130-** Plastic bags for garbage.

A. This section shall apply to all wet waste to be picked up by the city refuse system.

B. Wet waste includes: wet or moist waste, including but not limited to, food, food scraps, food containers, liquids of any type, green or fresh yard waste, pet waste or disposable diapers.

C. No garbage, rubbish or trash shall be collected by the city refuse system or placed outside for collection by the city refuse system except garbage, rubbish and trash from premises within the city limits. No person shall move any materials from one location to another to evade the provisions of this chapter.

D. On the day curbside collection is scheduled for any premises, or not earlier than 6:00 p.m. of the night before collection is scheduled, all garbage, trash and rubbish shall be placed at the street in front of the premises. Wet waste shall be in a securely tied plastic bag and all garbage shall be placed inside the container designated by the city's trash haulers.

E. No person shall tamper with any plastic bag containing any garbage, refuse or trash. No person shall tamper with any bundle or box of material placed for collection under this chapter. No person shall interfere with or tamper with any receptacle placed for collection. No owner of any dog shall permit their dog to damage or open any garbage receptacle or plastic bag or any bundle of papers or tree limbs or shrubs anywhere in the city. It shall be the responsibility of the dog owner to control the actions of the dog.

F. No person shall place anything for collection in the public streets and public alleys in the city except in accordance with the provisions of this chapter. No bricks, concrete, lumber, hot ashes, dirt, plaster, sand or gravel or large chunks of metal, such as automobile

frames other heavy materials shall be placed for collection under the terms of this chapter.

G. No person, firm or corporation shall place oil wastes or dangerous substances, as defined in Section 8.08.080, in trash containers.

H. The provisions of this chapter are separable, and if any phrase or part of this chapter should be held invalid, such invalidity shall not affect the validity of the remainder of the chapter.

I. Any person, firm or corporation violating any provision of this chapter shall be fined in accordance with this code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 1998-1 (part), 1998)

**8.08.140-** Medical waste.

No person shall deposit any medical waste including hypodermic needles or syringes in any container that is not approved for this purpose.

(Ord. 1998-1 (part), 1998)

**8.08.150-** Exclusive rights.

The city shall enforce a general system for the collection and disposal of refuse and garbage within the city. The city shall have the exclusive right to collect and dispose of refuse and garbage within the city or shall have the right to grant to a contractor, the sole and exclusive franchise, license and privilege to provide refuse collection, disposal and removal services within the territorial jurisdiction of the city.

(Ord. 1998-1 (part))

**8.08.160-** Garbage collection rates.

The basic for collection of solid waste are as follows:

A Residences. The account holder shall be charged at the current adopted rate per month, for one cart, for one pickup a week. The account holder shall also be charged at the current adopted rate for over filling/over loading the cart. Additional carts may be

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provided at the current adopted rate per month (maximum two carts). The account holder shall be responsible for customer requested pickups at the current adopted rate.

Each July of every year hereafter the fees shall be adjusted automatically to reflect a five (5%) percent utility increase.

B. Basic Commercial. A fee at the current adopted rate per month for one cart, for one pickup per week. Additional carts may be provided for a fee at the current adopted rate per month (maximum two carts). The account holder shall be responsible for customer requested pickups at the current adopted rate.

C. Business establishments with dumpsters shall be assessed a fee at the current adopted rate.

D. Extra On Call Rates for Commercial Containers shall be charged at the current adopted rate.

E. Front End Loader Compactor Monthly Base Rates shall be charged at the current adopted rate.

F. Owners or occupants of any premise located within the city limits shall be charged a deposit for a refuse container at the current adopted rate as per provisions set forth in Chapter 13.12.050.

G. Each July of every year hereafter the fees shall be adjusted automatically to reflect a five (5%) percent utility increase.

(Ord. 2005-03; Ord. 2004-04 (part); Ord. 2002-06 (part); Ord. 1998-22; Ord. 1998-1 (part))

(Ord. No. 2009-02, 2009)

**8.08.170- Special rates.**

A. Special Pickup Services. A fee at the current adopted rate per load for bagged weeds, and litter; not to include building materials such as sheet rock, shingles, cinder block, cement, etc. Additional charges, at the current adopted rate, shall be required for appliances and furniture. Vegetation must be cut down to a

reasonable size that can be transported in a pickup truck. The items to be disposed shall be placed curbside where the hauler can have access to it. No hauler shall drive onto the account holder's property or held liable for damage to property as a result of the Special Pickup Service.

B. Transfer Station Fee and Permit. The city's transfer station shall be made available for any Valencia County resident that purchases a Solid Waste Permit at the current adopted rate per yard for yard waste such as vegetation like, branches, weeds and litter, other than household waste.

The utilities department shall set guidelines and establish procedures using the most affordable technology available.

1. Permits shall be purchased at the City of Belen, Water Department at the current adopted rates.

2. All persons that purchase a permit must have a proof of residency within the City of Belen and/or Valencia County, New Mexico.

3. The City of Belen transfer station shall not accept any payment in any form from any person.

4. Under penalty of law, and dependant on the technology used, no part of the permit system may be reproduced or copied in any form or by any means electronic or mechanical, including photocopying, recording, taping, or information storage and retrieval system. Violations of this section shall be prosecuted to the fullest extent of the law.

(Ord. 2004-08; Ord. 2004-04 (part); Ord. 2002-06 (part); Ord. 1998-1 (part))

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**8.08.180-** Fee included in utility bill.

A. The refuse fee for residential, multi-residential and commercial account holders shall be included in the monthly utility bill and shall be subject to all provisions set forth in Chapter 13.12.100.

B. Owners or occupants of a premise that does not use city services such as water or sewer shall be charged for solid waste services at the current adopted rate.

C. Account holders that fail to pay their utility bill as set forth in Chapter 13.12.100 is subject to provision in Chapter 13.12.060.

(Ord. 1998-1 (part))

**8.08.190-** Applicability of provisions.

This chapter shall be applicable to all land areas wherein city utility services of any nature that are being rendered, utilized and accepted by residents, commercial businesses or institutional uses.

(Ord. 1998-1 (part))

**8.08.200-** Violation—Penalty.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its terms shall, upon conviction thereof, be fined in accordance with the provisions of Subsection 3-17-1(C)(1) NMSA 1978.

(Ord. 1998-1 (part))

*Be it ordained by the city council of the City of Belen that the amendments to Chapter 8.08 were passed, approved, and adopted this 20th day of February 2012.*

APPROVED:

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Rudy Jaramillo, Mayor

ATTESTED:

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Mary Lucy Baca, City Clerk

## Amendments to Chapter 13.12

### Chapter 13.12 – Utility Rates & Charges

#### Sections:

- 13.12.010 - Utility connection charges.
- 13.12.020 - Water rates.
- 13.12.030 - Sewer rates.
- 13.12.040 - Additional assessments.
- 13.12.050 - Utility deposits.
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- 13.12.070 - Return payment fee.
- 13.12.080 - Damage to meters or city owned utilities.
- 13.12.100 - Delinquent accounts.
- 13.12.110 - Payment agreements.

#### **13.12.010-** Utility connection charges.

A. The following fees shall be charged for the connection of municipal water and sewer services:

1. Connection of water lines up to and including three-quarter-inch supply lines shall be at the current adopted rate, plus a fee for paving cuts at the current adopted rate, if required.
2. Connection of water lines larger than three-quarter-inch supply lines shall be assessed on the actual costs incurred by the City of Belen in connecting such lines, but no less than the current adopted rate, plus a fee for paving cuts at the current adopted rate, if required.

B. A new water meter installation charge at the current adopted rate shall be assessed according to the size of the service line.

C. Sewer connection charges shall be at the current adopted rate, plus a fee for paving cuts at the current adopted rate, if required. The sewer connection shall be done by a bonded and licensed utilities plumber and is the responsibility of the account holder.

D. When creating a new utility account, and an

outstanding balance is found in the account holder's name, that outstanding balance must be paid in full before establishing the new utility account.

(Ord. 2001-06: Ord. 1995-6 § 4)

#### **13.12.020-** Water rates.

The following water user fees shall be assessed monthly for the amount of water supplied. Where noted, and upon review by the governing body, a utility increase shall take place annually in July.

A. Single-family Homes.

1. Rates—Inside city limits.

a. Zero (0) to three thousand (3,000) gallons shall be at the current adopted rate, plus a four percent (4%) utility increase per year thereafter.

b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a five (5%) percent utility increase per year thereafter.

2. Rates—Outside city limits.

a. Zero (0) to three thousand (3,000) gallons shall be at the current adopted rate plus a five (5%) utility increase per year thereafter.

b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a six percent (6%) utility increase per year thereafter.

B. Apartment Complexes, Mobile Home Parks, Multifamily Housing Units. Charges shall be the same for water rates as set forth above and each unit (apartment, mobile home etc.) shall be charged at least minimum basic rate per housing unit.

C. Commercial

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1. Rates—Inside city limits.
  - a. Zero (0) to three thousand (3,000) gallons shall be at the current adopted rate, plus a four percent (4%) utility increase per year thereafter.
  - b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a five percent (5%) utility increase per year thereafter.
2. Rates—Outside city limits.
  - a. Zero (0) to three thousand (3,000) gallons shall be at the current adopted rate plus a five percent (5%) utility increase per year thereafter.
  - b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a six percent (6%) utility increase per year thereafter.

- rate plus a four percent (4%) utility increase per year thereafter.
  - b. Three thousand one (3,001) gallons and above, shall be the current adopted rate per one thousand (1,000) gallons thereof, plus a five percent (5%) utility increase per year thereafter.
2. Rates – Outside city limits.
    - a. Zero (0) to three thousand (3,000) gallons shall be at the current adopted rate, plus a five percent (5%) utility increase per year thereafter.
    - b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a six percent (6%) utility increase per year thereafter.

If actual water use measurements are unavailable, this value shall be at the current adopted rate on the basis of expected water use for the single-family home being served.

B. Commercial and Multifamily Housing Units. The following sewer user fees for account holders shall be established by determining the actual value of water used per month and applying the actual monthly water use to the following sewer rate scale:

1. Commercial Rates – Inside city limits.
  - a. Zero (0) to three thousand (3,000) gallons, shall be at the current adopted rate, plus a four percent (4%) utility increase per year thereafter.
  - b. Three thousand one gallons and above, shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a five percent (5%) utility increase per year thereafter.
2. Commercial Rates – outside city limits.
  - a. Zero (0) to three thousand (3,000)

(Ord. 2005-21 (part); Ord. 1998-16, 1998; Ord. 1995-6 § 5)

**13.12.030- Sewer rates.**

The following sewer user fees shall be assessed monthly for the use of the City of Belen sewer services. Where noted, a utility increase shall take place annually in July.

A. Residential Single-family Homes. The following sewer user fees for single-family homes shall be established by computing the average water use for the months of November through February and applying the average water use to the following rate scale:

1. Rates – Inside city limits.
  - a. Zero (0) to three thousand (3,000) gallons, shall be at the current adopted

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gallons shall be at the current adopted rate, plus a five percent (5%) utility increase per year thereafter.

b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a five percent (6%) utility increase per year thereafter.

3. Multiple Residential Rates – Inside/outside city limits.

a. Zero (0) to three thousand (3,000) gallons shall be at the current adopted rate, plus a four percent (4%) utility increase per year thereafter.

b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus a five percent (5%) utility increase per year thereafter.

If actual use measurements are unavailable, this value shall be at the current adopted rate on the basis of expected water use for the building(s) being served.

C. Industrial Surcharge. Pursuant to Chapter 13.04, an industrial surcharge shall be assessed against persons discharging industrial liquid wastes that are of greater strength than normal untreated domestic waste water, as defined in Chapter 13.04, Section 13.04.120(D). This surcharge shall be computed according to Chapter 13.04, Section 13.04.120(D).

(Ord. 2005-21 (part); Ord. 1995-6 § 6)

**13.12.040- Additional assessments.**

Additional assessments per meter shall be charged as follows:

A. Fire hydrant charge shall be at the current adopted rate per meter per month.

B. Charge for revenue bond for principal

and interest shall be at the current adopted rate per meter per month.

C. Fees for Bulk Fire Hydrant Water Use.

1. Residential User.

a. Zero to one thousand (1,000) gallons shall be at the current adopted rate minimum plus a ten percent (10%) increase per year thereafter.

b. One thousand (1,000) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus an eight percent (8%) utility increase per year thereafter.

c. City staff shall assist the residential user with obtaining the water from a city hydrant during regular business hours.

2. Commercial hydrant User.

a. Zero to three thousand (3,000) gallons shall be at the current adopted rate minimum plus a ten percent (10%) increase per year thereafter.

b. Three thousand one (3,001) gallons and above shall be at the current adopted rate per one thousand (1,000) gallons thereof, plus an eight percent (8%) utility increase per year thereafter.

c. A deposit at the current adopted rate shall be assessed upon issuance of a hydrant meter for commercial use within city limits.

d. Failure to obtain a hydrant meter will result in a fine at the current adopted rate.

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e. The commercial user shall be required to report meter readings to the water department every month by the twentieth day. Failure to report readings on a monthly basis shall result in a fine assessed at the current adopted rate.

D. Service Calls

1. A service charge shall be assessed at the current adopted rate, whenever a water technician is dispatched at the account holder's request. After hours, weekend and holiday rates shall apply at the current adopted rate.

- a. Turn water service on or off.
- b. Meter reading verification. If the verification is in favor of the account holder, then the fee shall be waived.
- c. Leak check. If it is determined that the leak is on the City's side of the water meter, then the fee shall be waived.
- d. Sewer backups. If it is determined that the sewer issue is with the City's line, then the fee shall be waived.

(Ord. 2005-21 (part); Ord. 1995-6 § 7)

**13.12.050- Utility Deposits.**

- A. Utility deposits on owner occupied residential property shall be at the current adopted rate upon showing proof of ownership.
- B. Utility deposits on non-owner occupied residential property shall be at the current adopted rate
- C. Utility deposits on commercial property shall be at the current adopted rate

D. Utility deposits shall remain on account until such time that the utility account is closed and paid in full.

E. All accounts shall indicate the primary account holder as the owner of the real property. Non-owner occupied property accounts may have a secondary account holder.

(Ord. 2005-21 (part); Ord. 2002-07 § 8; Ord. 1995-6 § 8)

**13.12.060- Lien rights.**

The City of Belen shall be authorized to file a lien against real property which has received utility services and on which the charges are delinquent for sixty (60) days or more. This lien is subject to foreclosure in order to satisfy the account, costs incurred, and attorney fees.

(Ord. 1995-6 § 9)

**13.12.070- Return Payment Fee.**

All returned payments shall result in an additional service charge at the current adopted rate per returned payment.

(Ord. 2002-07 § 10; Ord. 1995-6 § 10)

**13.12.080- Tampering and damage to meters or city owned utilities fees.**

A. A tampering fee shall be assessed at the current adopted rate on any connection to City of Belen services. Tampering is when the account holder turns on a utility without authorization or "direct connecting" water service without a water meter.

(Ord. 2005-21 (part); Ord. 1995-6 § 11)

B. Any intentional damage occurring to a water meters or city utility equipment shall be paid for by the account holder of the property upon which damages occur, including the cost of labor, parts and materials. (Ord. 1995-6 § 12)

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**13.12.100- Delinquent accounts.**

Bills for utility services shall be provided to account holders each month. A bill is due on the tenth (10<sup>th</sup>) day of each month and shall become delinquent on the eleventh (11<sup>th</sup>) day (with the exception of holidays and weekends) of the billing cycle succeeding the month in which the water service was furnished. Upon delinquency, all bills shall be subject to a ten percent (10%) late payment charge per billing cycle until the delinquent bill is paid in full. If a delinquent bill is not paid within thirty (30) days after becoming due, water service to the property shall be shut off.

If a delinquent bill for an account holder is not paid within thirty (30) days after becoming due, the amount due, including all delinquent payment charges, shall be provided to the primary account holder for immediate payment.

- A. Reconnection of services following disconnection due to delinquency, shall be assessed a charge at the current adopted rate.
- B. Reinstallation of a water meter following removal shall be assessed a charge at the current adopted rate.
- C. No utility service shall be reconnected until charges are paid in full by cash, cashiers check, credit cards, or money order only.
- D. All fees shall be the responsibility of the Primary Account holder.

(Ord. 1998-16 § 13, 1998)

**13.12.110- Payment agreements.**

A. The City of Belen’s utility department and the secondary account holder may enter into an agreement regarding the payment of a delinquent bill. The City of Belen shall also notify the primary account holder of the agreement and is subject to the property owner’s written approval.

B. Service will not be discontinued if the account holder pays eighty percent (80%) of the outstanding bill upon signing the payment agreement.

C. The utility department is not required to enter into a payment agreement with a chronically delinquent account holder.

D. A payment agreement does not relieve an account holder from the obligation to pay future bills on a current basis.

E. If a customer fails to comply with a payment agreement, the utility department shall discontinue service.

(Ord. 2002-07 § 12) (Ord. 2002-07 § 13)

*Be it ordained by the city council of the City of Belen that the amendments to Chapter 13.12 were passed, approved, and adopted this 20<sup>th</sup> day of February 2012.*

APPROVED:

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Rudy Jaramillo, Mayor

ATTESTED:

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Mary Lucy Baca, City Clerk