

**ORDINANCE NO. 1233**

**AN ORDINANCE AMENDING CHAPTER 52 (UTILITIES), ARTICLE III (WATER AND SEWER RATES AND CHARGES...), SECTION 52-94(a) (WATER DEPOSIT) AND SECTION 52-100 (BILL FOR ILLEGALLY USED SERVICES) OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

**Sponsor: Mayor Michael S. Morones.**

**WHEREAS**, the Town Council has previously determined that a successful applicant for Town utility services providing water should make to the Town a \$100 deposit to insure future payment for the water supplied to such consumer; and

**WHEREAS**, upon recommendation of the Town Manager, the Town Council finds that such deposit should be increased to \$200 per applicant to reflect the need of the Town's utilities department to insure payment of incurred charges for water; and

**WHEREAS**, upon advice of staff, the Town Council finds that there have been occasions where persons have illegally used water or sanitary sewer services furnished by the Town, and there exists a mechanism provided by the Town's Municipal Code that requires an estimate of the services illegally used or furnished which the Town Council finds to be inadequate to deal with the issue; and

**WHEREAS**, the Town Council has deemed that the amendments to the Town's Code of Ordinances as provided for herein are necessary for the health, safety and welfare of the inhabitants of the Town;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO**, that:

Chapter 52, Article III, Section 52-94(a), is hereby amended as follows:

**52-94 (a)** Change the deposit referenced in the last sentence of the existing subsection from

\$100 to \$200. All remaining statements of that subsection shall remain unchanged.

**AND**

Chapter 52, Article III, Section 52-100, delete existing language and replace with:

**52-100. Bill for illegally used services.**

Any person illegally using water or sanitary sewer services furnished by the Town shall pay for all such services in the manner provided herein. In the event water and/or sanitary sewer services are taken without metering or permission, charges therefor shall be estimated and billed at the rate of 300% of those charges. Payment therefor shall be due and payable within 30 days.

The Town is authorized to take any steps at law or equity to recover such payment from the person so obligated, or at the option of the Town Manager, to make such obligation a lien upon the property to which the use or service was provided. In addition to the recovery mechanism established herein, such illegal use shall be a violation of the Municipal Code with all attendant penalties applicable.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 8th day of July, 2014.

(Seal)

TOWN OF SILVER CITY

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Michael S. Morones, Mayor

ATTEST:

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Ann L. Mackie, Town Clerk