

**Chapter 16
FEE SCHEDULE**

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Chapter 16 FEE SCHEDULE

ARTICLE I. LIBRARY FEES

Sec. 16-1. 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:

Digital Arts Lab

This space is an open room with computers and software specific for the training in digital arts technologies and development of digital art products. Use of the facility is by reservation only and can accommodate up to 16 people. No food or drink is allowed in this area (Exceptions must be approved by the Library Director).

(Ord. 2008-360, eff. 01 Nov 2008)

Meeting Room A

This room may be reserved by small sized group (10 people maximum). This room comes equipped with a dry erase board (dry erase markers are not provided). This room can also accommodate one large table and 8 chairs. It also has an Ethernet data port for internet access or web casting (Webinar). Wi-fi is also available. A Poly-com unit is available with an additional charge. Refreshments may be served here.

Meeting Room B

This room can seat 10-25 people using up to four tables and 24 chairs. A galley kitchen with sink, microwave and refrigerator is also available. This room comes equipped with a dry erase board (dry erase markers are not provided), a digital overhead projection unit, screen and an Ethernet data port for internet access or web casting (Webinar). Wi-fi is also available. A Poly-com unit is available with an additional charge. Refreshments may be served here.

Meeting Room C

This room seats up to 50 people or eight tables and 48 chairs. A galley kitchen with sink, microwave and refrigerator is also available. This room comes equipped with a dry erase board (dry erase markers are not provided), a digital overhead projection unit, screen and an Ethernet data port for internet access or web casting (Webinar). Wi-fi is also available. A Poly-com unit is available with an additional charge. Refreshments may be served here.

The Cyber Cafe

This space is an open room with public access to computers and personal laptop computer use. This area can accommodate up to 32 people including twelve computer terminals, twelve Ethernet data ports, and Wi-Fi connectivity. No food or drink is allowed in this area (Exceptions must be approved by the Library Director).

Tech Lab

This space is also an open room that has ten computers and can accommodate seating for up to 20 people. Wi-Fi connectivity is also available. No food or drink is allowed in this area (Exceptions must be approved by the Library Director).

Sec. 16-2. Fees.**1. Location Fees.**

<i>Location</i>	<i>Status</i>	<i>Public Use</i>	<i>Non-Profit</i>	<i>For-Profit</i>
Meeting Room A	San Juan County, NM	No charge	No charge	\$25.00
	Outside SJ Cnty NM	No charge	\$25.00	\$35.00
Meeting Room B	San Juan County, NM	No charge	No charge	\$25.00
	Outside SJ County NM	No charge	\$25.00	\$35.00
Meeting Room C	San Juan County, NM	No charge	No charge	\$50.00
	Outside SJ County NM	No charge	\$35.00	\$75.00
Cyber Café (1-12 Computers for half a day)	San Juan County, NM	No charge for single computer use	\$50.00	\$100.00
	Outside SJ County NM	No charge for single computer use	\$75.00	\$125.00
Tech Lab (1-10 Computer for half a day)	San Juan County, NM	No charge for single computer use	\$50.00	\$100.00
	Outside SJ County NM	No charge for single computer use	\$75.00	\$125.00
Digital Arts Lab (1-4 Computers for half a day)	San Juan County, NM	\$10.00 annual fee	\$100.00	\$200.00
	Outside SJ County NM	\$15.00 annual fee	\$150.00	\$250.00

(Ord. 2008-360, eff. 01 Nov 2008)

2. Equipment Fees.

<i>Equipment</i>	<i>Security Deposit</i>	<i>Usage Fee (if checked out of Library)</i>
Poly-Com Digital Conferencing Unit	\$50.00	\$25.00
Portable Digital Projection Unit	\$50.00	\$15.00
DVD Player w/ Monitor	Valid Driver's License	\$15.00
VCR w/ Monitor	Valid Driver's License	\$15.00
Building Key	\$50.00	No charge
Digital Camera	Not available for public check out	
Digital Camcorder	Not available for public check out	
Digital Storage	Not available for public check out	
Projector Screen	Not available for public check out	

(Ord. 2008-360, eff. 01 Nov 2008)

3. Training Fees.

<i>Training</i>	<i>Instructor Fee</i>
Community Workshops	Fee dependent on course content; non CTC or Digital Arts Lab related
CTC Instruction	\$25.00/hour Basic Microsoft Application Instruction
Digital Arts Lab	Fee dependent on course content

(Ord. 2008-360, eff. 01 Nov 2008)

4. Library Fees.

<i>Description</i>	<i>Fee</i>
Fines: Materials	10¢ per item per day
Fines: Equipment	\$5.00 per item per day
Lost Card Replacement	\$2.00 each
Lost/Damaged Materials	Replacement cost plus \$3.00 processing fee; Non-Refundable
Lost/Damaged Equipment	Replacement cost; Non-Refundable
CDs	\$1.00 each
Book Sales	Varies; dependent on item
Promotional Items	Varies; dependent on item
Copies/Printing: Public	10¢ black and white; 50¢ color
Copies/Printing: City Agency	7¢ black and white; 35¢ color
Fax Service	\$1.00 per page

(Ord. 2008-360, eff. 01 Nov 2008)

Secs 16-3 to 16-10. Reserved.

ARTICLE II. PARKS & RECREATION FEES

Sec. 16-11. Definitions.**All day**

The time of a day between dusk to dawn.

Security Fee

All renters scheduling a Park for a festival or similar event, where alcoholic beverages are sold and/or served, will be required to have security for the event. Security must be provided by and under the control of the Aztec Police Department. The number of officers required will depend on the type of event and number of people that will be attending event. The number of officers will be determined by the Aztec Police Department

Special Events

Events held in Aztec City Parks will be open to the public.

(Ord. 2011-2011-406, eff. 02 November 2011; Ord. 2010-381, eff. 05 May 2010)

Sec. 16-12. Park Pavilion Rental and Riverside Park Bridge Stage Rental.

<i>Time Allotment</i>	<i>Fee</i>
½ hour to 2 hours	\$20.00
2 hours to 4 hours	\$30.00
4 hours to all day	\$40.00

Sec. 16-13. City Park Rental for Special Events Open to Public.

<i>Deposits - Rentals</i>	<i>Fee</i>
Deposit, per event	\$ 100.00
Park Reservation	\$ 50.00
Striping of Park Area	\$ 25.00
Portable Stage Rental, includes setup and removal	\$250.00
Install Temporary Fencing, per 500 feet	\$30.00
Temporary Electric Pedestal, per pedestal	\$ 15.00
Permanent Electric Pedestal, per pedestal	\$ 5.00
RV Hookup, per space per day	\$5.00
Security Fee, per officer / per hour	\$ 40.00

If there is a need for City Staff to clean up park or repair damages after an event deposit shall be forfeited.

(Ord. 2011-2011-406, eff. 02 November 2011; Ord. 2010-381, eff. eff. 05 May 2010)

Sec. 16-14. City Athletic Field Striping Fees.

<i>Field</i>	<i>2010 Fee</i>	<i>2011 Fee</i>	<i>2012 Fee</i>
Field #1 Willie Mays League ⁽¹⁾	\$ 8.00	\$ 9.00	\$ 10.00
Field #2 Sandy Koufax League ⁽¹⁾	\$ 8.00	\$ 9.00	\$ 10.00
Field #3 T-Ball League ⁽¹⁾	\$ 5.00	\$ 6.00	\$ 7.00
Field #4 Rookie League ⁽¹⁾	\$ 5.00	\$ 6.00	\$ 7.00
Field #5 Roberto Clement League ⁽¹⁾	\$ 5.00	\$ 6.00	\$ 7.00
Field #6 Softball Field ⁽¹⁾	\$ 8.00	\$ 9.00	\$ 10.00
Field #7 Pee Wee Reese League ⁽¹⁾	\$ 8.00	\$ 9.00	\$ 10.00
Baseball Weekend Tournament	\$100.00 per weekend		
Soccer & YAFL Fields	\$30.00 Initial Set up & Stripe \$15.00 per week re-stripe		

⁽¹⁾ Per day fee.

(Ord. 2011-2011-406, eff. 02 November 2011; Ord. 2010-381, eff. eff. 05 May 2010)

Secs. 16-15 to 16-50. Reserved.

ARTICLE III. IMPACT FEES

Sec. 16-51. Purpose.

The City Commission of Aztec New Mexico (the "commission") finds and determines that growth and development activity in the city will create additional demand and need for roadway facilities, drainage facilities, parks, open space and trails, and public safety amenities such as police and fire facilities in the city, and the commission finds that persons responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. The commission further finds that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received. Therefore, pursuant to New Mexico Statutes, the commission adopts this article to assess impact fees for planned facilities.

(Ord. 2008-362, eff. 01 Jan 2009; Code 2007, 16-51)

Sec. 16-52. Authority.

The city is authorized to impose impact fees under NMSA 1978 §§ 5-8-1 through 5-8-42 (the "Development Fees Act"). The provisions of this article shall not be construed to limit the power of the city to utilize any other methods or powers otherwise available for accomplishing the

purposes set forth within, either in substitution or in conjunction with this article, provided that such methods or powers are not prohibited by or inconsistent with this article or the Development Fees Act.

(Code 2007, 16-52)

Sec. 16-53. Definitions.

The following definitions shall apply for purposes of this article unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meaning.

Accessory structure

A subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main building.

Accessory use

A use that:

- Is subordinate in area, extent and purpose to, and serves a principal use;
- Is customarily found as an incident to such principal use;
- Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- Is located on the same zoning lot as such principal use; and
- Is under the same ownership or control as the principal use.

Act

The New Mexico statute in existence on the effective date of this article or as hereafter amended.

Building permit

An official document or certification which is issued by the building officials for the city and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

Capital facilities

The facilities or improvements included in a capital budget.

Capital facilities or improvements plan or the plan

The capital facilities plan of the city, as amended from time to time, and supporting documents, and as adopted pursuant to New Mexico Statutes, as amended.

Change in use

A change from type of use to another type of use such as, but not limited to:

- A change from a commercial use to residential use; and/or
- A change from a residential use to a commercial or office use; and/or
- A change from one type of commercial or industrial use to another type of commercial or industrial use.

City

The City of Aztec New Mexico.

City engineer

The duly appointed, accepted, acting or acknowledged city engineer or engineering firm for the city.

Commission

The Commission of the City of Aztec New Mexico.

Department

The department of finance.

Developer

An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.

Development activity

Any construction or expansion of a building, structure or use; any change in use of a building or structure; the subdivision of land; the seeking of plat approval, PUD approval, site plan approval, lot line adjustment, conditional or special use permit approval; or any other change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space recreational facilities and trails, police or fire facilities.

Development / zoning approval / permit

Any written authorization from the city, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, PUD approval, site plan approval, lot line adjustment, conditional or special use permit.

Drainage impact fees

The impact fee designed to pay for drainage related facilities.

Encumbered

To reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

Fee payer

A person, corporation, partnership, incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for planned facilities and which requires the issuance of a building permit. "Fee payer" includes an applicant for an impact fee credit.

HUD

The United States Department of Housing and Urban Development.

Impact fee

A payment of money imposed by the city on development activity pursuant to this article as a condition of granting a building permit or development (zoning) approval/permit in order to pay for the planned facilities needed to serve new growth and development activity. "Impact

fee" does not include a tax, a special assessment, a hook-up fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee calculations, or the administrative fee required for an appeal.

Impact fee account or account

The account or accounts established for the planned facilities for which impact fees are collected. Impact fee administrator means the director of finance of the city, or the qualified designee of the city manager.

Independent impact fee calculation

The impact calculation or economic documentation prepared by a fee payer to support the assessment of an impact fee other than by the use of the schedules attached in Appendix "A" to this article.

Lot line adjustment

Shall have the same meaning as set forth in this Code.

Net positive fiscal impact

New revenue to the city in excess of the cost of the necessary infrastructure and municipal services attributable to a development activity.

Owner

The owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

Parks, open space and trail impact fees

The impact fee designated to pay for publicly owned parks, open space, recreational facilities and trails.

Planned facilities

Roadway facilities, drainage related facilities, parks, open space and recreational facilities and trails, police and fire facilities included in the capital improvements plan of the city.

Planned unit development (PUD)

Have the same meaning as set forth in chapter 26 of this Code.

Public safety impact fee

The impact fee designated to pay for police and fire facilities.

Qualifying improvement

Any portion of the infrastructure listed in the capital facilities plan.

Residential (dwelling) unit

Any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the city, for not more than one family, and including site-built buildings, manufactured homes and modular homes.

Road impact fee

The impact fee designated to pay for roadway facilities.

Standard or level of service

The quantity and quality of service which the impact fee administrator has determined to be appropriate and desirable for the city. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on city streets and roads, maximum commute times, maximum wait at stops, minimum police service capabilities, minimum fire suppression capabilities, minimum park space of per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the impact fee administrator may deem appropriate.

State

The State of New Mexico.

(Ord. 2008-362, eff. 01 Jan 2009; Code 2007, 16-53)

Sec. 16-54. Applicability.

The collection of impact fees shall apply to all new development activity in the city unless otherwise provided herein. Until any impact fee required by this article has been paid in full, no building or development/zoning permit for any development activity shall be issued. A stop work order shall be issued on any development activity for which the applicable impact fee has not been paid in full.

1. Park, open space and trails impact fees shall apply only to new residential development activity.
2. Drainage, roads, and public safety impact fees shall apply to any development activity which makes improvements to any land.
3. The movement of a structure onto a lot shall be considered development activity and shall be subject to the impact fee provisions, unless otherwise provided herein.

(Ord. 2008-362, eff. 01 Jan 2009; Code 2007, 16-54)

Sec. 16-55. Service Areas.

1. The service area for impact fees shall be all of the incorporated area of the city, including any future annexed area(s). In the event of the establishment of a joint powers agreement (JPA) with San Juan County specifically addressing the collection of impact fees or associated development fees, the three-mile planning and platting jurisdictional area shall be included.
2. Impact fees shall be assessed only on development activity within the service area.
3. Impact fees collected within a service area shall be spent within that service area.
4. The appropriateness of the designation and boundaries of the service areas shall be reviewed periodically by the city as part of the impact fee revision process. Following such review and a public hearing, the service areas may be amended.

(Code 2007, 16-55)

Sec. 16-56. Calculation of Impact Fees Based on Fee Schedule.

1. Unless an applicant requests an independent impact fee calculation, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the fee schedule provide in Chapter 16 less any applicable offsets.
2. The impact fee schedule as provided in Chapter 16 is hereby adopted and incorporated herein by reference.
3. The units of development activity specified in the fee schedule shall be interpreted as follows:
 - (1) Residential impact fees shall be collected by unit. For the purposes of this article, modular or manufactured homes are considered residential.
 - (2) Building square footage, where applicable, shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.
4. For categories of uses not specified in the applicable impact fee schedule, the impact fee administrator shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.
5. If the development plan approval or permit for the proposed development activity indicates mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.
6. For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:
 - (1) The fee, if any, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and
 - (2) The fee, if any, that would be payable for the total development activity on the site for the new development.
7. Upon written request of an applicant, the impact fee administrator shall provide an estimate of the current fee based on the data provided by the applicant. However, the impact fee administrator shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.
(Code 2007, 16-56)

Sec. 16-57. Exemptions.

1. The following shall be exempted from the payment of all impact fees:

- (1) Replacement of a structure with a new structure of the same size and use at the same site or lot when a building permit for such replacement is obtained within twelve (12) months after the demolition or destruction of the prior structure or mobile home and the replacement is completed within twenty-four (24) months after the granting of the building permit.
 - (2) Alterations, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing unit where no additional units are created and the use is not materially changed.
 - (3) Construction of accessory structures that will not create significant impacts on the planned facilities.
 - (4) Miscellaneous accessory improvements to use, including but not limited to fences, walls, swimming pools, and signs.
 - (5) Demolition or moving of a structure.
 - (6) The life of the building permit issued for the construction served by the trailer or office.
 - (7) Any development activity not involving the construction or placement of a structure or building, including but not limited to the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling or dredging purposes, which, as demonstrated by the developer in writing to the impact fee administrator, will not result in a net increase in demand on facilities covered by impact fees.
2. Nonresidential construction shall be exempted from the payment of the park impact fees.
 3. If, prior to the effective date of this article and in anticipation of the imposition of impact fees, the city and a developer entered into a written agreement providing for the payment of fees, the dedication of land, or the construction of planned facilities by the developer in connection with a development activity, with specific reference to improvements identified in the capital facilities plan, such development activity shall be exempted from the payment of impact fees. The units in such development may be charged a reduced fee pursuant to an independent impact fee calculation. The developer shall provide to the impact fee administrator documentation demonstrating compliance with the terms of the voluntary agreement.
 4. The impact fee administrator shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the impact fee administrator shall be in writing and shall be subject to the appeals procedures set forth in this article.
 5. At any time between three (3) and six (6) years after the payment of any impact fee, the fee payer or his or her assignee (but not both) may request an exemption from such impact fee by submitting to the impact fee administrator a written request that the impact fee administrator analyze whether the development activity for which the fee payer paid the impact fee produced, as of the third anniversary of the payment of the impact fee, a net positive fiscal impact in the city in an amount exceeding the amount of the impact fee paid. At the time of submitting such request, the fee payer or his or her assignee, as the case may be, shall pay to the impact fee administrator a nonrefundable fee of two hundred dollars (\$200.00) to cover the city's cost of making the analysis. If, after making such analysis and

based on such analysis, the impact fee administrator determines that an exemption under this subsection should not be granted, the impact fee administrator shall notify the fee payer or his or her assignee, as the case may be, that the request for an exemption is denied. If, after making such analysis and based on such analysis, the impact fee administrator determines that an exemption under this subsection should be granted, the impact fee administrator shall, in writing, recommend to the commission that the exemption be granted, which recommendation shall contain an explanation of the reasons for such recommendation. The commission may, if it determines to grant the exemption, direct the impact fee administrator to refund to the fee payer or his or her assignee, as the case may be, the amount paid as the impact fee, plus any interest earned on the impact fee by the city, calculated at the average interest rate earned by the city on the applicable impact fee account since the impact fee was paid. The city shall use moneys in its general fund to pay for any planned facilities necessitated by the exempted development activity.

6. Upon the determination of the impact fee administrator, following the filing with the impact fee administrator of a petition of the developer, if any portion of a development activity is funded or subsidized in whole or in part with city funds or funds of the city's redevelopment agency, the impact fee allocable to such funded or subsidized portion of the development activity shall be reduced by the amount of such funding or subsidy. The city shall use moneys in its general fund to pay for any planned facilities necessitated by the exempted development activity.

(Code 2007, 16-57)

Sec. 16-58. Offsets to Impact Fees.

Offsets against the impact fee that would otherwise be due for a development activity may be approved by the impact fee administrator in accordance with the following provisions:

1. An offset shall be granted for qualifying improvements that are required to be made by a developer as a condition of development approval.
2. Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements. Unless otherwise expressly agreed to in writing by the city, offsets shall not result in reimbursement from the city or constitute a credit against future fees, and shall not constitute a liability of the city for any deficiency in the offset.
3. Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.
4. The person applying for an offset shall be responsible for providing and paying for appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The impact fee administrator shall not grant offsets to any person who cannot provide such documentation in such form as the impact fee administrator may reasonably require.
5. The value of land dedicated or donated shall be based on the appraised land value of the parent parcel on the date of transfer of ownership to the city, as determined by a certified appraiser who was selected from a list of city-approved appraisers provided by the impact fee administrator and paid for by the applicant, who used generally accepted appraisal techniques.

6. Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until ten (10) years after the date of approval or until the last date of construction of the project, whichever occurs first.
7. The right to claim offsets shall run with the land and may be claimed only by owners of property within the development area for which the qualifying improvement was required.
8. Any claim for offsets must be made in writing, not later than the time of submittal of a building permit application or an application for another permit subsequent to development approval that is subject to impact fees. Any claim not so made shall be deemed waived.
(Code 2007, 16-58)

Sec. 16-59. Developer Agreements for Impact Fees.

Where a development activity includes or requires a qualifying improvement, the city and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvements.

Such agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the developer for the developer's participation in the financing or construction of the qualifying improvements.

The agreement shall include:

1. The estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the impact fee administrator; or, if no bid is available, the estimated cost certified by a licensed New Mexico engineer and approved by the impact fee administrator;
2. A schedule for initiation and completion of the qualifying improvement;
3. A requirement that the qualifying improvement be designed and completed in compliance with any applicable city or state laws or regulations; and
4. Such other terms and conditions as deemed necessary by the city.
(Code 2007, 16-59)

Sec. 16-60. Challenges and Appeals.

1. Any fee payer that has paid an impact fee may challenge the impact fee by filing:
 - (1) An appeal pursuant to this article;
 - (2) A request for arbitration; or
 - (3) An action in district court.
2. Such a challenge may not be initiated unless it is initiated within one (1) year after the fee payer pays the impact fee.

3. The sole remedy for a challenge shall be a refund of the difference between what the fee payer paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.
4. Nothing in this section shall be construed to require a fee payer to exhaust administrative remedies with the city before filing an action in district court.
5. Any fee payer may pay the impact fees imposed by this article under protest in order to obtain a building permit, and thereafter may appeal the validity or amount of such payment to the commission. Appeals regarding the impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.
6. Appeals shall be made by filing a written notice of appeal with the commission, specifying the grounds thereof, and depositing with the commission an administrative fee in the amount of fifty dollars (\$50.00). The appellant shall also submit, in writing, a request for information relative to the impact fee. The commission shall, within fourteen (14) calendar days after receiving the notice of appeal, hold a hearing to consider the evidence and arguments of the appellant, and shall record the hearing and retain such evidence. The commission shall issue a written decision on the appeal within thirty (30) calendar days after the date the appeal was filed.
7. If a person submits an impact fee challenge to arbitration, the city shall not agree to participate in binding arbitration.
(Code 2007, 16-60)

Sec. 16-61. Collection of Impact Fees.

The impact fees for all new development activity shall be calculated and collected in conjunction with the application for the first building permit for such development activity.

(Code 2007, 16-61)

Sec. 16-62. Accounting for Impact Fees.

1. The city shall establish a separate interest bearing account for each type of planned facility for which an impact fee is collected. Such fees shall be invested by the city and the yield on such fees, at the actual rate of return to the city, shall be credited to such account periodically in accordance with the accounting policies of the city, subject to a deduction by the city of a reasonable cash management fee. Such accounts need not be segregated from other city monies for banking purposes. Interfund loans may be made between such accounts.
2. Any yield on such account into which the fees are deposited shall accrue to that account and shall be used for the purposes specified for such account.
3. The city shall maintain and keep financial records for each such account, showing the source and amount of all monies collected, earned and received by the account, and each expenditure from such account, in accordance with normal city accounting practices, and at the end of each fiscal year shall prepare a report on each such account showing such information. The records of such account shall be open to public inspection in the same manner as other financial records of the city.

4. Impact fees shall be expended or encumbered within six (6) years after their receipt, unless the commission identifies, in writing, an extraordinary and compelling reason to hold the impact fees longer than six (6) years. Under such circumstances, the commission shall establish an absolute date by which the impact fees shall be expended.
(Code 2007, 16-62)

Sec. 16-63. Refunds.

1. If the city fails to expend or encumber the impact fees as required, all current owners of the property on which impact fees have been paid shall receive a pro rata refund of such impact fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.
2. The city shall notify the owner or owners of property for which such a refund may be made, by first class mail deposited with the United States Postal Service, at the last known address of such property owners.
3. In order to receive such a refund, the owner or owners of the subject property must, within twelve (12) months after the mailing of such notice by the city, make a written request for a refund to the impact fee administrator, including a certification that such person is a record owner of the property and that he or she is entitled to the refund. The impact fee administrator may rely on such certification, in the absence of a written certification by another person asserting that the proposed payee is not the proper payee. If in doubt as to whom to pay such funds, the impact fee administrator may deposit the funds with an appropriate court for disposition as the court may determine. In that event, the city may deduct from the funds deposited an amount equal to the reasonable costs, including attorney's fees, of causing the funds to be deposited with the court.
4. Any impact fees for which no application for a refund has been made within such one-year period shall be retained by the city and expended on appropriate planned facilities.
5. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.
6. When the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered impact fees from any terminated component or components, including interest earned, shall be refunded pursuant to this section. The city shall publish notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all owners of property for which a refund may be made by first class mail at the last known address of such property owners. All funds available for refund shall be retained for a period of twelve (12) months following the second publication. At the end of that period, any remaining funds shall be retained by the city, but must be expended for appropriate planned facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the impact fee account(s) being terminated.
7. The city shall refund to a developer any impact fees paid by that developer, plus interest earned on the impact fees, if: (1) the developer does not proceed with the development activity for which the impact fees were imposed; (2) the developer files with the impact fee administrator a written request for the refund not later than thirty (30) calendar days after the

expiration of the building permit (or any extension thereof in connection with which the impact fees were assessed; and (3) the impact fee administrator determines that no impact has resulted from the contemplated development activity.

8. The city shall charge an administrative fee for verifying and computing the refund equal to the lesser of three (3) percent of the amount of the refund or the city's actual cost of such verification and computing.
(Code 2007, 16-63)

Sec. 16-64. Use of Funds.

1. Impact fees shall be used solely for the purposes for which they were received.
2. Except as provided in this article, impact fees shall not be imposed to make up for deficiencies in existing facilities serving existing developments.
3. Impact fees shall not be used for maintenance or operation.
4. Impact fees may be spent for planned facilities, including but not limited to planning, land acquisition, construction, engineering, architectural, permitting, financing, and administrative expenses, mitigation costs, capital equipment pertaining to planned facilities, and any other similar expenses which can be capitalized pursuant to generally accepted accounting principles.
5. Impact fees may also be used to recoup improvement costs previously incurred by the city to the extent that new growth and development activity will be served by the previously constructed improvements or incurred costs.
6. Impact fees may be used to recoup the cost of studying, analyzing, and preparing the impact fees.
7. Impact fees may be used to pay debt service on bonds or similar debt instruments issued to finance planned facilities to the extent such planned facilities serve the development activity for which the impact fees were imposed.
(Code 2007, 16-64)

Sec. 16-65. Impact Fee as Supplemental Regulation to Other Financing Methods.

1. Except as otherwise provided herein, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the city on development activity or the issuance of building permits or certificates of occupancy. Impact fees are intended to be consistent with the city's comprehensive plan, capital facilities plan or improvement plan, land development ordinances, and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of capital facilities in conjunction with development activity.
2. In addition to the use of impact fees, the city may finance qualifying capital improvements through the issuance of bonds, the formation of assessment or improvement districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.
(Code 2007, 16-65)

Sec. 16-66. Adjustments.

1. The impact fee administrator may adjust the impact fees or service areas periodically, after a study and proper notice.
2. The impact fee administrator may adjust the standard impact fee in the schedule of impact fees at the time the fee is charged to:
 - (1) Respond to unusual circumstances in specific areas.
 - (2) Ensure that the impact fees are imposed fairly.
(Code 2007, 16-66)

Sec. 16-67. Independent Impact Fee Calculations.

1. If a fee payer desires not to have the impact fees determined according to the schedule set forth in Section 16-71, then the fee payer shall prepare and submit to the impact fee administrator an independent impact fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent impact fee calculation was made. The appropriate department staff persons shall review the independent impact fee calculation and provide an analysis to the Impact Fee Administrator concerning whether the independent impact fee calculation should be accepted, rejected, or accepted in part. The impact fee administrator may adopt, reject, or adopt in part the independent impact fee calculation based on the Department's analysis and based on the specific characteristics of the development activity. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.
2. Any fee payer submitting an independent impact fee calculation must pay to the city a fee to cover the cost of reviewing the independent impact fee calculation. The fee shall an amount equal to the actual review costs incurred by the city, including the cost of any consultant services deemed necessary by the city. The city shall require the fee payer to post a cash deposit of two hundred dollars (\$200.00) prior to initiating the review, subject to refunding to the fee payer any portion of such deposit that exceeds actual costs of review.
3. The impact fee administrator shall consider the documentation submitted by the fee payer and the analysis prepared by the appropriate department staff persons, but is not required to accept such documentation or analysis. The impact fee administrator may require the fee payer to submit additional or different documentation for consideration. The impact fee administrator may adjust the impact fees on a case-by-case basis based on the independent impact fee calculation and the specific characteristics of the development activity. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.
(Code 2007, 16-67)

Sec. 16-68. Capital Improvements Plan.

The city shall use qualified professionals to prepare the capital improvements plan and to calculate impact fees. The capital improvements plan shall follow the infrastructure capital improvement planning guidelines established by the department of finance and administration and shall address the following:

1. A description, as needed to reasonably support the proposed impact fee, which shall be prepared by a qualified professional, of the existing capital I improvements within the service area and the costs to upgrade, update, improve, expand or replace the described capital improvements to adequately meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards;
2. An analysis, which shall be prepared by a qualified professional, of the total capacity, the level of current usage and commitments for usage of capacity of the existing capital improvements;
3. A description, which shall be prepared by a qualified professional, of all or the parts of the capital improvements or facility expansions and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions;
4. A definitive table establishing the specific level or quantity of use, consumption, generation or discharge of a service unit for each category of capital improvements or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial and industrial;
5. The total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;
6. The projected demand for capital improvements or facility expansions required by new service units accepted over a reasonable period of time, not to exceed ten (10) years; and
7. Anticipated sources of funding independent of impact fees.
(Code 2007, 16-68)

Sec. 16-69. Capital Improvements Advisory Committee.

The City Commission shall manage the Capital Improvements Plan through the advice and assistance of the Capital Improvements Advisory Committee.
(Code 2007, 16-69)

Sec. 16-70. Penalties.

The city shall have the power to sue in law or equity for relief in civil court to enforce this article, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this article and to recover such damages as may be incurred by the implementation of specific corrective actions. Knowingly furnishing false information to the city on any matter relating to the administration of this article shall constitute an actionable violation. The impact fee administrator may revoke or withhold development/zoning or building permits, retains the right to inspect the lands affected by this article and may request cease-and-desist orders, stop-work orders and other appropriate citations for violations.
(Code 2007, 16-70)

Sec. 16-71. Fees.

FACILITY	SINGLE-FAMILY DWELLING	MULTI-FAMILY DWELLING (PER UNIT)	COMMERCIAL/RETAIL (PER 1,000 SQ FT)	OFFICE/INSTITUTIONAL (PER 1,000 SQ FT)	INDUSTRIAL/WAREHOUSE (PER 1,000 SQ FT)
Drainage	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Roads	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Public Safety	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Parks/Open Space & Trails	\$500.00	\$500.00	N/A	N/A	N/A
TOTAL	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00

(Ord. 2008-362, eff. 01 Jan 2009; Code 2007, 16-71)

Secs. 16-72 to 16-99. Reserved.

ARTICLE IV. UTILITY FEES

Sec. 16-100. Review.

The Joint Utility System rate structure shall be reviewed annually and adjusted accordingly. The City Commission shall take action deemed necessary to ensure the efficient operations of the Joint Utility System. Any adjustments shall be coordinated with each year's budget and such adjustments will be approved through ordinance.

(Ord. 2010-385, eff. 01 Jan 2010)

DIVISION 1. ADMINISTRATIVE FEES

Sec. 16-101. Deposits.

1. Residential.

Electric	\$100.00
Water	\$100.00

2. Out of City Limits.

Electric	\$150.00
Water	\$150.00

3. Commercial.

In City	\$200.00
Out of City Limits	

- | | | |
|----|---|----------|
| 4. | <u>Bulk Water Accounts.</u> | |
| | Residential | \$100.00 |
| | Commercial | \$500.00 |
| | Fire Hydrant Meter | \$850.00 |
| 5. | <u>Accounts not in Good Standing.</u> | |
| | Amount equal to two month average billing | Average |

(Ord. 2009-373, 17 Jun 2009; Code 2007, 16-101)

Sec. 16-102. Establishment of Services.

- | | | |
|----|--|---------|
| 1. | <u>Account Setup or Transfer Fee.</u> | |
| | Customer account setup, read on and read off, or turn on and turn off | \$30.00 |
| 2. | <u>Existing Landlord/Property Manager Accounts.</u> | |
| | Turn-on, turn-off (per location) | \$5.00 |
| 3. | <u>After Hours Call.</u> | |
| | After Hours call shall be the hours of 5:00 p.m. to 8:00 a.m, or weekends, or City observed holidays. (per call) | \$50.00 |
| 4. | <u>Disconnect Notice (Red Tag).</u> | |
| | Notice sent to customer notify customer of delinquent account | \$20.00 |
| 5. | <u>Non-Pay Disconnect - Re-establishment of Service.</u> | |
| | Once service has been disconnected for non-payment, fee to connect utilities | \$20.00 |

(Code 2007, 16-102)

Sec. 16-103. Other Account Charges.

- | | | |
|----|----------------------------------|----------|
| 1. | <u>Returned Check Fee.</u> | \$25.00 |
| 2. | <u>Collection Accounts.</u> | \$20.00 |
| 3. | <u>Electric Meter Test Fee.</u> | \$50.00 |
| 4. | <u>Water Meter Test Fee.</u> | \$50.00 |
| 5. | <u>Damaged Water ERT.</u> | \$100.00 |
| | (Encoded, Receiver, Transmitter) | |
| | (Code 2007, 27-603) | |

Secs. 16-104 to 16-150. Reserved.

DIVISION 2. CONNECTION FEES

Sec. 16-151. Electric Connection Fees.

1. Residential Electric Service.

- | | |
|--|------------|
| (1) New single phase service 200 amps or less:
overhead or underground when customer trenching and no transformer
is needed. | \$130.00 |
| (2) New single phase service 200 amps or less:
overhead or underground when customer trenching needing an overhead
transformer. | \$834.00 |
| (3) New single phase service 200 amps or less:
overhead or underground when customer trenching needing a pole and
an overhead transformer. | \$1,877.00 |
| (4) New Residential Meter Installation for new service:
200 amp service or less | \$73.00 |
| (5) New single phase service over 200 amps:
will require a line extension and pad mount transformer | Estimate |
| (6) New single phase service requiring a pad mount transformer | Estimate |

2. Commercial Electric Service.

- | | |
|---|------------|
| (1) New single phase service 200 amps or less, overhead or underground
when customer provides trenching and no transformer needed. | \$208.00 |
| (2) New single phase service 200 amps or less, overhead or underground
when customer provides trenching needing an overhead transformer. | \$1,043.00 |
| (3) New single phase service 200 amps or less, overhead or underground
when customer provides trenching needing a pole and an overhead
transformer. | \$2,086.00 |
| (4) New Commercial Meter installation for new service, 200 amps or less
(single phase meter) | \$156.00 |
| (5) New Commercial Meter installation for new service, 200 amps or less
(three phase meter) | \$350.00 |
| (6) New single phase service requiring a pad mount transformer | Estimate |

(7) New single phase service over 201 amps or more, or new three phase service will require a line extension estimate and a pad mount transformer.	Estimate
3. <u>Temporary Electric Service Connects.</u>	
Fees for residential or commercial temporary service connects.	
(1) Single phase, no transformer needed, 200 amps or less.	\$130.00
(2) Single phase needing a transformer, 200 amps or less.	\$417.00
(3) Three phase, no transformer needed, 200 amps or less.	\$208.00
(4) Three phase needing a transformer, 200 amps or less.	\$1,564.00
(5) All temporary services over 201 amps shall be considered line extensions	Estimate
(6) All temporary services requiring a pad mount transformer (Code 2007, 16-151)	Estimate

Secs. 16-152 to 16-160. Reserved.**Sec. 16-161. Waste Water Connection Fees.**

1. <u>Waste Water Inspection.</u>	\$300.00
2. 4- inch connection cost	\$ 500.00
3. 6-inch connection cost	\$ 700.00
4. 8-inch connection cost	\$ 1,000.00
(Code 2007, 16-161)	

Secs. 16-162 to 16-170. Reserved.**Sec. 16-171. Water Connection Fees.**

1. <u>5/8" Water Connection.</u>	
(1) Water Rights In City Limits with Sewer Connection	\$600.00
(2) Water Rights In City Limits with no Sewer Connection	\$900.00
(3) Water Rights Out of City Limits	\$900.00
(4) Water Meter with ERT (encoded, receiver & transmitter)	\$155.00
(5) Water Inspection	\$300.00

2.	<u>1" Water Connection.</u>	
	(1) Water Rights In City Limits with Sewer Connection	\$1,500.00
	(2) Water Rights In City Limits with no Sewer Connection	\$2,250.00
	(3) Water Rights Out of City Limits	\$2,250.00
	(4) Water Meter with ERT (encoded, receiver & transmitter)	\$250.00
	(5) Water Inspection	\$300.00
3.	<u>1-1/2" Water Connection.</u>	
	(1) Water Rights In City Limits with Sewer Connection	\$3,000.00
	(2) Water Rights In City Limits with no Sewer Connection	\$4,500.00
	(3) Water Rights Out of City Limits	\$4,500.00
	(4) Water Meter with ERT (encoded, receiver & transmitter)	\$1,200.00
	(5) Water Inspection	\$300.00
4.	<u>2" Water Connection.</u>	
	(1) Water Rights In City Limits with Sewer Connection	\$4,800.00
	(2) Water Rights In City Limits with no Sewer Connection	\$7,200.00
	(3) Water Rights Out of City Limits	\$7,200.00
	(4) Water Meter with ERT (encoded, receiver & transmitter)	\$1,400.00
	(5) Water Inspection	\$300.00
5.	<u>3" Water Connection.</u>	
	(1) Water Rights In City Limits with Sewer Connection	\$9,600.00
	(2) Water Rights In City Limits with no Sewer Connection	\$14,400.00
	(3) Water Rights Out of City Limits	\$14,400.00
	(4) Water Meter with ERT (encoded, receiver & transmitter)	N/A
	(5) Water Inspection	\$300.00
6.	<u>4" Water Connection.</u>	
	(1) Water Rights In City Limits with Sewer Connection	\$15,000.00
	(2) Water Rights In City Limits with no Sewer Connection	\$22,500.00
	(3) Water Rights Out of City Limits	\$22,500.00

(4) Water Meter with ERT (encoded, receiver & transmitter)	\$2,300.00
(5) Water Inspection	\$300.00

7. 6" Water Connection.

(1) Water Rights In City Limits with Sewer Connection	N/A
(2) Water Rights In City Limits with no Sewer Connection	N/A
(3) Water Rights Out of City Limits	N/A
(4) Water Meter with ERT (encoded, receiver & transmitter)	\$3,200.00
(5) Water Inspection	\$300.00

8. 8" Water Connection.

(1) Water Rights In City Limits with Sewer Connection	N/A
(2) Water Rights In City Limits with no Sewer Connection	N/A
(3) Water Rights Out of City Limits	N/A
(4) Water Meter with ERT (encoded, receiver & transmitter)	\$4,000.00
(5) Water Inspection	\$300.00

(Code 2007, 16-171)

Secs. 16-172 to 16-180. Reserved.

DIVISION 3. UTILITY RATE FEES

Sec. 16-181. Electric Rates.

1. Class I: Residential and Multi-unit Residential.

Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
(1) Customer Service Charge	6.44	6.44
(2) Usage Charge per kwh		
0 – 1,000 kwh	.1329	.1329
1,001 – 1,500 kwh	.1370	.1370
1,501 – 2,500 kwh	.1401	.1401
2,001 – and above kwh	.1411	.1411

2. Class II: Commercial.

Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
(1) Single Phase under 200 amps (50KW) Customer Service Charge	\$16.11	\$16.11

Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
Electric Use Charge per kwh	\$0.1401	\$0.1401
(2) Single Phase over 200 amps (50KW) Customer Service Charge	\$26.85	\$26.85
Electric Use Charge per kwh	\$0.1370	\$0.1370
(3) Three Phase under 200 amps (50KW) Customer Service Charge	\$26.85	\$26.85
Electric Use Charge per kwh	\$0.1401	\$0.1401
(4) Three Phase over 200 amps (50KW) Customer Service Charge	\$53.71	\$53.71
Electric Use up to 35,000 kwh	\$0.1360	\$0.1360
Electric Use over 35,000 kwh	\$0.1267	\$0.1267
3. <u>Class III: Demand Rate 1 (150kw up to 1000kw).</u>		
Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
(1) Three Phase over 150 kw up to 1,000 kw Service Charge	\$53.71	\$53.71
Demand Charge per kw	\$12.88	\$12.88
Usage Charge per kwh	\$0.0958	\$0.0958
4. <u>Class IV: Demand Rate 2 (over 1000kw).</u>		
Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
(1) Three Phase over 1,000 kw Service Charge	\$107.43	\$107.43
Demand Charge per kw	\$9.27	\$9.27
Usage Charge per kwh	\$0.0958	\$0.0958
5. <u>Class V: Institutional.</u>		
Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
(1) Single Phase under 200 amps (50KW) Service Charge	\$16.11	\$16.11
Usage Charge per kwh	\$0.1401	\$0.1401
(2) Single Phase over 200 amps (50KW) Service Charge	\$26.85	\$26.85
Usage Charge per kwh	\$0.1370	\$0.1370
(3) Three Phase under 200 amps (50KW) Service Charge	\$26.85	\$26.85
Usage Charge per kwh	\$0.1401	\$0.1401

(4) Three Phase over 200 amps (50KW)		
Service Charge	\$53.71	\$53.71
Usage up to 35,000 kwh	\$0.1360	\$0.1360
Usage over 35,000 kwh	\$0.1267	\$0.1267

6. Class V: Area Lighting Service.

Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
(1) 175 watt, mercury vapor, with existing pole	\$10.74	\$10.74
(2) 100 watt, high pressure sodium, with existing pole	\$10.74	\$10.74
(3) 150 watt, high pressure sodium, with existing pole	\$13.96	\$13.96
(4) 250 watt, high pressure sodium, with existing pole	\$16.11	\$16.11
(5) 250 watt, high pressure sodium, with existing pole	\$16.11	\$16.11
(6) Customer owned, maintained, non-metered lighting	\$6.77	\$6.77
(7) 100 watt, high pressure sodium, with new pole	\$16.11	\$16.11
(8) 150 watt, high pressure sodium, with new pole	\$19.33	\$19.33
(9) 250 watt, high pressure sodium, with new pole	\$21.49	\$21.49
(10) 250 watt, high pressure sodium, with steel pole (after developer paid installation)	\$18.26	\$18.26

7. Class VI: City-Owned Street Lights.

Effective Dates:	<u>July 2009</u>	<u>July 2010</u>
(1) 175 watt, mercury vapor	\$5.37	\$5.37
(2) 100 watt, high pressure sodium	\$5.37	\$5.37
(3) 150 watt, high pressure sodium	\$7.52	\$7.52
(4) 250 watt, high pressure sodium	\$9.66	\$9.66
(5) 400 watt, high pressure sodium	\$11.81	\$11.81
(6) 150 watt, high pressure sodium, new wood pole	\$19.33	\$19.33
(7) Metered street lighting electric use per kwh	\$0.1288	\$0.1288

(Ord. 2010-383, eff. 01 July 2010; Ord. 2008-354, eff. 15 July 2008; Code 2007, 16-181)

8. Class VII: City Departments.

All electric usage by City departments/facilities will be metered and assessed a per kwh charge equal to the actual cost per kwh of purchased power by the City.
(Ord. 2010-383, eff. 01 July 2010)

9. Power Cost Adjustment.

Rate fluctuates monthly based on cost of purchased power to City. The base cost is established using the average purchased power cost for the calendar year of 2007. This base is compared to the most recent month's purchased power cost and either a charge or credit is assessed to each electric customer.
(Ord. 2010-383, eff. 01 July 2010; Ord. 2008-354, eff. 15 July 2008; Code 2007, 16-181)

Secs. 16-182 to 16-190. Reserved.

Sec. 16-191. Waste Water Rates.1. Class I: Residential and Multi-unit Residential.

- | | |
|--|----------|
| (1) Residential and Multi Unit Base/System Charge (Monthly minimum charge) | \$ 14.00 |
| (2) Waste water Use Charge cost per 1,000 Gallons | \$ 3.00 |

2. Class II: Commercial.

- | | |
|--|----------|
| (1) Commercial Base/System Charge (Monthly minimum charge) | \$ 15.00 |
| (2) Waste water Use Charge cost per 1,000 Gallons | \$ 3.00 |

3. Class III: Industrial

- | | |
|--|----------|
| (1) Industrial Base/System Charge (Monthly minimum charge) | \$ 18.00 |
| (2) Waste water Use Charge Cost per 1,000 Gallons | \$ 3.00 |

4. Class IV: Institutional.

- | | |
|---|----------|
| (1) Institutional Base/System Charge (Monthly minimum charge) | \$ 14.00 |
| (2) Waste water Use Charge Cost per 1,000 Gallons | \$ 3.00 |

5. Class V: Customers Outside Municipal Incorporated Limits.

Customers living outside the Municipal Incorporated limits shall be billed at 150% of the applicable rate.

6. Class VI: City Departments.

Wastewater fees for city facilities/departments will be calculated using a similar average period as Class I. Residential and Multi-Unit at a rate per 1000 gallons established with the annual budget adoption.

(Ord. 2010-384, eff. 01 July 2010; Code 2007)

Secs. 16-192 to 16-200. Reserved.**Sec. 16-201. Water Rates.**1. Class I: Residential.

Base/System Charge	\$17.20
	per 1,000 gallons
0 – 5,000 gallons	\$3.00
5,001 – 10,000 gallons	\$3.50

10,001 – 15,000 gallons	\$4.00
15,001 – 25,000 gallons	\$4.50
25,001 – 50,000 gallons	\$5.00
50,001 gallons and over	\$5.50
2. <u>Class II: Mult-Residential.</u>	
Base/System Charge	\$15.60
	per 1,000 gallons
First 4,000 gallons/unit	\$3.00
Excess of 4,000 gallons/unit	\$4.00
3. <u>Class III: Commercial.</u>	
Base/System Charge	\$18.90
	per 1,000 gallons
0 – 10,000 gallons	\$3.50
10,001 – 15,000 gallons	\$4.00
15,001 – 30,000 gallons	\$4.50
30,001 – 100,000 gallons	\$5.00
100,001 gallons and over	\$5.50
4. <u>Class IV: Outside Watering.</u>	
Base/System Charge	\$16.20
Unlimited usage/1000 gal	\$4.00
5. <u>Class V: Industrial.</u>	
Base/System Charge	\$23.90
Unlimited usage/1000 gal	\$4.00
6. <u>Class VI: Institutional.</u>	
Base/System Charge	\$16.20
Unlimited usage/1000 gal	\$3.50
7. <u>Class VII: Residential Special Wholesale Consumption.</u>	
Base/System Charge	\$22.80
Unlimited usage/100 gal	\$0.45
8. <u>Class VIII: Commercial Special Wholesale Consumption.</u>	
Base/System Charge	\$26.85
Unlimited usage/100 gal	\$0.825
9. <u>Class IX: Fire Hydrant Meter User.</u>	

Base/System Charge	\$26.85
Monthly Assessed Fee with no usage	\$500.00
Unlimited usage/100 gal	\$0.825

10. Class X: Non-Metered Department Water.

All water used and not metered, whether the same be used by the Parks, Street, Water and Fire Departments and/or any other Department, the amount of water used for whatever purpose shall be estimated or measured monthly by the Department using the same and a report of said use shall be given in writing to the Finance Director.

11. Class XI: Customers Outside Municipal Incorporated Limits.

Customers living outside the Municipal Incorporated limits shall be billed at 150% of the applicable rate.

12. Class XII: Water User Associations.

Water User Associations rates will be negotiated independently through agreements approved by the Aztec City Commission. These agreements should reflect rate increases associated with the increased cost of facilities and operation, maintenance and capital improvements of the system.

13. Class XIII: Metered Department Water.

All metered water used by City facilities/departments shall be assessed a rate per 1,000 gallons defined established with the annual budget adoption.
(Ord. 2010-384, eff. 01 July 2010; Code 2007)

Sec. 16-202. Water Rights Rates.

1. Rates for Meter Sizes Without and With Return Flow.

	<i>Meter Size</i>	<i>Without Return Flow</i>	<i>With Return Flow</i>
(1)	5/8 inch	\$ 900.00	\$ 600.00
(2)	1 inch	\$ 2,250.00	\$ 1,500.00
(3)	1-1/2 inch	\$ 4,500.00	\$ 3,000.00
(4)	2 inch	\$ 7,200.00	\$ 4,800.00
(5)	3 inch	\$ 14,400.00	\$ 9,600.00
(6)	4 inch	\$ 22,500.00	\$ 15,000.00

(Code 2007, 16-202)

Secs. 16-203 to 16-210. Reserved.

DIVISION 4. SOLID WASTE FEES

Sec. 16-211. Solid Waste Rates.

1. Residential Trash Service.

- (1) All single family residents, duplexes, and apartments. \$10.39
Each unit – Cart (1 x Week)
- (2) Extra Cart \$ 3.04

2. Multi-Unit Residential Trash Service.

- (1) All single family residents, duplexes, and apartments. \$10.39
Each unit – Cart (1 x Week)
- (2) Extra Cart \$ 3.04

3. Commercial Trash Service.

Size	Frequency					
	1 x Week	2 x Week	3 x Week	4 x Week	5 x Week	6 x Week
1 Cart	13.97	N/A	N/A	N/A	N/A	N/A
2 Carts	27.95	N/A	N/A	N/A	N/A	N/A
1 Yard	51.90	N/A	N/A	N/A	N/A	N/A
2 Yard	60.51	95.22	129.92	164.56	199.38	233.42
3 Yard	70.30	118.41	176.02	228.92	281.82	334.70
4 Yard	83.99	138.83	193.68	248.51	303.42	358.23
6 Yard	110.08	176.53	242.94	309.56	375.69	439.76
8 Yard	146.81	216.83	286.83	356.80	426.85	496.87

4. City Facilities Trash Service

Size	Frequency					
	1 x Week	2 x Week	3 x Week	4 x Week	5 x Week	6 x Week
1 Cart	13.97	N/A	N/A	N/A	N/A	N/A
2 Carts	27.95	N/A	N/A	N/A	N/A	N/A
1 Yard	51.90	N/A	N/A	N/A	N/A	N/A
2 Yard	60.51	95.22	129.92	164.56	199.38	233.42
3 Yard	70.30	118.41	176.02	228.92	281.82	334.70
4 Yard	83.99	138.83	193.68	248.51	303.42	358.23
6 Yard	110.08	176.53	242.94	309.56	375.69	439.76
8 Yard	146.81	216.83	286.83	356.80	426.85	496.87

(Ord. 2008-359, 17 Oct 2008)

Secs. 16-212 to 16-250. Reserved.**ARTICLE V. ANIMAL FEES****Sec. 16-251. Fees in General.**

Adoption (Canine)	\$75.00	Includes spay/neuter, vaccination, and microchip
Adoption (Feline)	\$55.00	Includes spay/neuter, vaccination, and microchip
Boarding	\$4.00	Per Day
Euthanize	\$5.00	
Impound	\$25.00	1 st offense
	\$35.00	2 nd offense
	\$45.00	3 rd offense
	\$60.00	4 th offense
Rabies	\$50.00	Observation
	\$10.00	Unvaccinated animals (will be refunded upon proof of vaccine)
Sterilization	\$25.00	Un-sterilized animals (will be refunded upon proof of sterilization)
Trip	\$5.00	Per Pick-up
Vaccination	\$5.00	Per Shot
Microchip	\$10.00	
Pet Supplies	Varies	Cost is dependent upon the item (i.e. collars, leashes, cardboard pet carriers, I.D. tags, etc)

(Ord. 2008-361, 26 Nov 2008; Ord. 2007-345, eff. 03 Apr 2007)

Sec. 16-252. Permits and Licenses.

Animal Exhibit	\$20.00	
Animal Fancier	\$50.00	Initially
	\$25.00	Renewal (if exact same animals)
Dangerous Dog	\$75.00	Initially
	\$35.00	Renewal
Exotic Animal	\$40.00	Yearly
Guard Dog	\$50.00	Initially
	\$25.00	Renewal
Hobby Breeder	\$75.00	Yearly
Litter	\$75.00	Per Litter
Professional Animal Care	\$20.00	Yearly
Unaltered Dog or Cat	\$70.00	Per Animal

City License	\$3.00	Spayed or Neutered Animal
	\$8.00	Un-spayed or Un-neutered Animal
	\$1.00	Lost Replacement
	\$1.00	Late Renewal

(Ord. 2007-345, eff. 03 Apr 2007)

Secs. 16-253 to 16-259. Reserved.

ARTICLE VI. COMMUNITY CENTER

Sec. 16-260. Definitions.

Aztec Club or Organization

Any organization that can provide a Charter, by-laws, or a letter confirming its association as an Aztec club or organization.

For Profit Use

Any person or organization scheduling an event with the intent to raise funds that is not recognized by either the state of New Mexico or the IRS as a non-profit.

Private Use

Includes weddings, receptions, parties, and dances.

Other Non Profit Use

Non-profit events for non-Aztec based non-profits.

(Ord. 2010-381, eff. 05 May 2010)

Sec. 16-261. Availability.

The Community Center is not available to rent on the following:

1. City holidays and holiday weekends.
2. Past mid-night on any night.
3. Between the hours of 8 am and 3 pm Monday through Friday

(Ord. 2010-381, eff. 05 May 2010)

Sec. 16-262. Requirements or Restrictions.

In addition to those terms established in the *Community Center Scheduling Policy and Rental Agreement*, the Community Center will enforce the following requirements and/or restrictions:

1. Fees and all fully completed paperwork must be paid and submitted at least one (1) month prior to the event.
2. Fees will be refunded only if the facility was not used and cancellation occurred at least one (1) week in advance of scheduled event.
3. Additional hour fees will be assessed for any additional time over 12 hours.
4. New Mexico Food License for catered events must be provided.
5. Certificate of Liability Insurance is required.

(Ord. 2010-381, eff. 05 May 2010)

Sec. 16-263. Rental Fees.**1. Aztec Club or Organization.**

<i>Duration</i>	<i>Rental Fee</i>	<i>Cleaning Fee</i> ⁽¹⁾	<i>Damage Deposit</i> ⁽²⁾	<i>Kitchen Use Deposit</i> ⁽²⁾	<i>Security Fee (If Applicable)</i>
12 hour rental ⁽³⁾	\$250.00	\$100	\$100	\$150	\$40/hr/officer
Per hour rental ⁽⁴⁾	\$22.50	\$50-100	\$50-100	\$150	\$40/hr/officer

⁽¹⁾ Non-refundable⁽²⁾ Refundable⁽³⁾ Additional hourly fees will be assessed for any additional time over 12 hours⁽⁴⁾ Based on more than 2 hours

(Ord. 2010-381, eff. 05 May 2010)

2. Private and other Non-profit Use.

<i>Duration</i>	<i>Rental Fee</i>	<i>Cleaning Fee</i> ⁽¹⁾	<i>Damage Deposit</i> ⁽²⁾	<i>Security Fee (If Applicable)</i>
12 hour rental ⁽³⁾	\$350.00	\$100	\$300	
12 hour rental ⁽⁴⁾	\$350.00	\$100	\$300	\$40/hr/officer
Per hour rental ⁽⁵⁾	\$35.00	\$0-100	\$50-300	\$40/hr/officer

⁽¹⁾ Non-refundable⁽²⁾ Refundable⁽³⁾ 12 hour rental, no dance, no alcohol⁽⁴⁾ 12 hour rental with dance and/or alcohol⁽⁵⁾ Based on more than 2 hour minimum rental

(Ord. 2010-381, eff. 05 May 2010)

3. For Profit Use.

<i>Duration</i>	<i>Rental Fee</i>	<i>Cleaning Fee</i> ⁽¹⁾	<i>Damage Deposit</i> ⁽²⁾	<i>Security Fee (If Applicable)</i>
12 hour rental ⁽³⁾	\$450.00	\$100	\$300	
12 hour rental ⁽⁴⁾	\$450.00	\$100	\$300	\$40/hr/officer
Per hour rental ⁽⁵⁾	\$45.00	\$0-100	\$50-300	\$40/hr/officer

⁽¹⁾ Non-refundable⁽²⁾ Refundable⁽³⁾ 12 hour rental, no dance, no alcohol⁽⁴⁾ 12 hour rental with dance and/or alcohol⁽⁵⁾ Based on more than 2 hour minimum rental

(Ord. 2010-381, eff. 05 May 2010)

Secs. 16-264 to 16-269. Reserved.

ARTICLE VII. MUNICIPAL MOTOR VEHICLE OPERATIONS

Sec. 16-270. Administrative Fee.

The City shall collect an administrative fee of \$3.00 from each person requesting a service in connection with every transaction processed for the New Mexico Taxation and Revenue Department, Motor Vehicle Division (MVD), by the City of Aztec as an agent of MVD. The City shall deposit the fees so collected in the General Fund of the City.
(Ord. 2010-386, eff. 01 July 2010)

Secs. 16-271 to 16-279. Reserved.

ARTICLE VIII. BUSINESS LICENSE AND REGISTRATION FEES

Sec. 16-280. Definitions.**Business Registration Fee**

There is imposed on each place of business conducted in the City of Aztec a business registration fee. The fee is pursuant to NMSA 1978, §3-38-3 as it now exists or is amended and shall be known as the business registration fee.

Business License Fees

There is imposed on each place of business when conducted within the City of Aztec, in lieu of and not in addition to the registration fee.

Late Fee

Any business registration or business license that are not filed timely shall be assessed an additional fee.

(Ord. 2011-406, eff. 02 Nov. 2011)

Sec. 16-281. Business Registration Fee.

<i>Fee Type</i>	<i>Fee</i>
Business Registration Fee (Ord. 2011-406, eff. 02 Nov. 2011)	\$35. ⁰⁰

Sec. 16-282. Business License Fees.

<i>Business Type</i>	<i>Reference</i>	<i>Fee</i>
Adult Oriented Business	Chapter 11, Article XII	\$1,000. ⁰⁰
Alarm Services	Chapter 3	\$50. ⁰⁰
Armored Cars	Chapter 11, Article X	\$ 50. ⁰⁰
Body Art Establishment	Chapter 11, Article XIII	\$50. ⁰⁰

Carnival, or Circus (except kiddie rides carnivals) per day	Chapter 11, Article XV	\$125. ⁰⁰
Distress Sales (90 days only)	Chapter 11, Article IV	\$ 50. ⁰⁰
Fireworks Sales (Retailer sales)	Chapter 8	\$ 50. ⁰⁰
Fireworks Sales (Specialty retailer, permanent, tourism)	Chapter 8	\$ 50. ⁰⁰
Food vending wagons and trucks, per vehicle	Chapter 11, Article XI	\$ 50. ⁰⁰
Junk or Secondhand Dealers	Chapter 11, Article VI	\$50. ⁰⁰
Outdoor Special Events	Chapter 11, Article I	\$ 10. ⁰⁰
Pawnbrokers	Chapter 11, Article VII	\$1,000. ⁰⁰
Peddler or Solicitor, <i>per Peddler or Solicitor</i>	Chapter 11, Article I	\$ 35. ⁰⁰
Private Investigators and Private Patrol Operators	Chapter 11, Article VI	\$ 50. ⁰⁰
Security for Carnival (2 officers/hour/minimum)	per officer/hour	\$ 40. ⁰⁰
Special events (license is required of sponsor only)	Chapter 11, Article I	\$ 25. ⁰⁰
Taxicabs first four or fewer vehicles	Chapter 11, Article IX	\$100. ⁰⁰
Additional charge for each taxicab		\$ 35. ⁰⁰
Temporary outside displays and sales not meeting the definition of special events, per day (Ord. 2011-406, eff. 02 Nov. 2011)	Chapter 11, Article I	\$ 10. ⁰⁰

Sec. 16-283. Late Fee.

<i>Fee Type</i>	<i>Fee</i>
Late Fee (Ord. 2011-406, eff. 02 Nov. 2011)	\$10. ⁰⁰

Sec. 16-284. Bond Fee.

<i>Business Type</i>	<i>Fee</i>
Pawnbroker (Ord. 2011-406, eff. 02 Nov. 2011)	\$5,000. ⁰⁰

Secs. 16-285 to 16-289. Reserved.