

1                                   **CITY OF ELEPHANT BUTTE**  
2                                   **ORDINANCE NO. 225**

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4                   **AMENDING THE PROVISIONS OF SECTION 51 SEWER – FEE REQUIREMENTS**  
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7                   **WHEREAS**, the Code of Ordinances of the City of Elephant Butte contains the sewer  
8 ordinance 119, passed May 20, 2009, in chapter 50.  
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10                   **WHEREAS**, a review of the provisions of the ordinance has shown the need for an  
11 amendment to the provisions relating to the fee requirements; and

12                   **NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of  
13 Elephant Butte that Ordinance 119, Chapter 51 be amended as follows:

14                   ***Section One.*** That section 51.30 shall be amended to read as follows:

15                   **§ 51.30 FEE REQUIREMENTS.**

16                   Properties being served by the Sierra County Regional Wastewater Treatment System shall be  
17 subject to the following fees. The amount of each fee shall be determined by resolution of the  
18 City Council and shall be adjusted from time to time to meet maintenance and operating  
19 expenses.

20                   (A) Development/capacity fee. There will be a fee allowing connection to the Sierra County  
21 Regional Wastewater Treatment System for the purpose of providing plant capacity to serve the  
22 customer. ~~Capacity fee will be waived for dwellings with water service prior to March 31, 2006.~~  
23 Development and capacity fees will be established by ~~reference~~ resolution 08-09-214 or its  
24 successors.

25                   (B) Connection costs. The cost of connection for any new service shall be the responsibility  
26 of the lot owner, as follows:

27                   (1) For an existing residence or commercial enterprise, connection costs include running a  
28 line from the residence or commercial source to the property line and connecting to the sewer  
29 main stub out, and decommissioning and abandoning the existing septic system following  
30 NMED and EPA guidelines.

31                   (2) For a new residence or commercial enterprise, connection costs include running a line  
32 from the residence or commercial source to the property line. In cases where there is no stub out  
33 from the sewer main line to the property line, owner shall bear all costs involving a connection  
34 from the source to the sewer main.

35                   (C) Service deposit fee. For residential customers a set fee will be established by a fee  
36 resolution. For commercial customers a fee equal to two and a half months service charge which  
37 is held on deposit and may be used to cover delinquent bills.

38                   (D) Residential or commercial monthly service fee.

39 (E) Administrative set-up fee. A one-time charge for setting up the customer account.

40 (F) Any owner not connecting within the required six months will be billed monthly charges  
41 as if they were connected. Late fees and penalties will accrue if payment is not made.

42 **Section Two.** All other provisions of the Sewer Ordinance not specifically amended in  
43 section one herein, shall remain unchanged and in full force and effect as written.

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45 **Section Three.** Effective date. This ordinance shall become effective five days  
46 following publication of adoption.

47 PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Elephant  
48 Butte, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_ 2025. Effective five days after adoption.

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50 Phillip Mortensen, Mayor  
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55 Attest:

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60 Lindsey Cobleigh, City Clerk  
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