

**ALBUQUERQUE BERNALILLO COUNTY
WATER UTILITY AUTHORITY
Water and Wastewater System Expansion
Ordinance**

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Section 1.

7-1-1. SHORT TITLE.

This ordinance shall be known as the “Water and Wastewater System Expansion Ordinance.”

7-1-2. PREFACE.

(A) The policies set forth herein are generally to regulate and control the development, extension and expansion, including connection, of water and sewer facilities of the ABCWUA.

(B) Some of these policies may be affected by other policies and ordinances including but not limited to the City of Albuquerque Development Process Manual, Franchise Agreement, Guiding Principles, Water Conservation Landscaping and Waste Water Ordinance, various Master Plans and the Water and Sewer Rate Ordinance. In the event there are any apparent conflicts between such ordinances and/or policies and this policy, there shall first be an attempt to construe them together in order to resolve any such conflict. If such construction cannot resolve the conflict then the more restrictive provision shall be applied.

7-1-3. DEFINITIONS.

(A) For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABCWUA. The Albuquerque Bernalillo County Water Utility Authority or its authorized agent. It includes the water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area.

BOARD. The governing body of the ABCWUA.

DEVELOPMENT AGREEMENT. An agreement between the ABCWUA and a developer that defines financial and other obligations for the development to proceed.

EASEMENT. A right to use a piece of property for a specified purpose. Utility easements include, but are not limited to, legally dedicated streets, rights-of-way, and publicly-owned property and easements.

EXECUTIVE DIRECTOR. Executive Director of the ABCWUA.

LEVEL OF SERVICE. Criteria defining system design and operating parameters such as redundancy, pressure, pressure variation, flow capacity, etc.

LOOP LINES. A water line installed between lines for the purpose of equalizing water pressure and increasing water flow.

MAIN LINE. Water Master Plan Line, Sanitary Sewer Master Plan Line and Non-Potable Reuse Line.

MAJOR FACILITIES. Works for production, treatment, storage, and distribution of water or non-potable water or for collection, pumping, and treatment of sewage, including but not limited to reservoirs, wells, pump stations, master plan lines, lift stations, odor control facilities, and water and sewage treatment facilities.

NON-POTABLE DISTRIBUTION LINE. The water line to which a water service line may be connected.

NON-POTABLE REUSE MASTERPLAN. The overall plan of the non-potable system as adopted by the Board including but not limited to existing and proposed major non-potable facilities and on-site systems.

NON-POTABLE MASTER PLAN LINE. Major non-potable transmission or distribution lines as indicated on Water System Master Plan, or those lines determined to be needed by system analysis or calculation.

PRIVATE SYSTEM. A privately owned water and/or sewer system.

PETITIONER. Person or his authorized representative requesting design and/or construction of water and/or sewer system additions.

PRORATED COSTS (PRO RATA COSTS). The development share of costs for water and/or sewer lines constructed in advance of development that are required to serve property.

SANITARY SEWER SYSTEM MASTER PLAN. The overall plan of the sewage system, as adopted by the Board, including but not limited to existing and proposed major wastewater facilities and on-site systems.

SANITARY SEWER MASTER PLAN LINE. Major interceptor or collector lines as indicated on Sanitary Sewer System Master Plan or those lines determined to be needed by system analysis or calculation.

SERVICE AREA. The geographic area designated from time to time by resolution of the Board.

SEWER COLLECTOR LINE. The sanitary sewer line to which a sewer service lateral may be connected.

SEWER SERVICE LATERAL. The sanitary sewer line that runs from the property to the sewer collector line.

UTILITY. The water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area.

UTILITY EXPANSION CHARGE (UEC). One-time fee paid by new water or sewer customers as a means of recovering part or all of the costs of purchasing or acquisition of new water supplies and for the construction or acquisition of that portion of major facilities and assets (wells, treatment facilities, master plan lines, sewage lift stations, etc.) used to provide system capacity for those new customers.

WATER DISTRIBUTION LINE. The water line to which a water service lateral may be connected.

WATER SYSTEM MASTER PLAN. The overall plan for the water system, as adopted by the Board, including but not limited to existing and proposed major water facilities.

WATER MASTER PLAN LINE. Major transmission or distribution lines as indicated on Water System Master Plan, or those lines determined to be needed by system analysis or calculation.

WATER SERVICE LINE. The water line that runs from the water meter to the water distribution line.

WATER TRANSMISSION LINE. A large diameter water line which has the primary function of conveying water between major facilities.

WELL COLLECTOR LINE. The water line that conveys water from a well to a reservoir.

(B) Words not defined herein but which are defined in the Zoning Code of the City of Albuquerque or Bernalillo County are to be construed as defined therein.

7-1-4. LOCATION AND CONSTRUCTION STANDARDS.

(A) *Policy No. 1 - Location of water, sanitary sewer and non-potable water lines.* Water and sanitary sewer lines must be installed only in easements acceptable to the Utility. The topography, alignment, width, location, access and owner use of any such easements must be suitable for such line installation and maintenance as determined by the Utility. In the event easements are not available, Petitioner shall provide same at his expense.

(B) *Policy No. 2 - Installation of water, sanitary sewer and non-potable water lines.* All water, sanitary sewer and non-potable water lines must be installed pursuant to and in conformance with the Utility's standards and the following:

(1) The size and location of all water, sanitary sewer and non-potable water lines which are to be installed shall be determined by the Utility and shall be sized to provide the designated level of service to the area to be served.

(2) All water, sanitary sewer and non-potable water lines must be installed in trenches containing no other utilities. Variances may be granted by the Utility at its discretion under the following circumstances:

(a) Construction conditions make it impractical or impossible to maintain separate trenches;

(b) Construction access to the easement is limited;

(c) The size, width or location of the easement precludes the use of separate trenches;

(d) Other utility lines may be allowed to cross water and/or sanitary sewer lines.

(e) All non-potable water lines shall be installed with a purple color pipe, wrapping or other covering so as to indicate non-potable water.

(3) No such variance shall constitute a hazard to public health and safety and appropriate conditions for such variances shall be set by the Utility.

(C) *Policy No. 3 - Installation of water, sanitary sewer and non-potable water lines prior to construction of paving or other public improvements.* Water and/or sanitary sewer

lines required by the applicable Master Plan or known by the Utility to be needed must be installed prior to construction of paving or other public improvements which by their nature should be installed subsequent to said lines.

7-1-5. WATER AND SEWER CONNECTION REQUIREMENTS.

(A) *Policy No. 4 - Water service line connections.* Water service lines may be connected to water lines if the Utility finds that size, type, function, and feasibility of connection to the line permits connection; such connection shall not be made to lines with a nominal diameter of 16 inches or larger. Lines used as transmission lines including dedicated San Juan-Chama water lines or well collector lines shall not be connected to for service. All connections shall comply with Utility standards and specifications.

(B) *Policy No. 5 - Sewer service lateral connections.* Service connections shall be made at right angles to the sewer collector line and such connection shall not be made to lines with design capacities (peak flow conditions) at point of connection greater than 3.0 million gallons per day, velocities of less than two feet per second, or lines with a nominal diameter of 15 inches or larger. All sewer service lateral connections must conform to Utility standards and specifications.

(C) *Policy No. 6 – Non-Potable Reuse service line connections.* Non-potable service lines may be connected to non-potable distribution lines if the Utility finds size, type, function, and feasibility of connection to the line permits connection; such connection shall not be made to lines with a nominal diameter of 16 inches or larger. Lines used as non-potable transmission lines shall not be connected to for service. All connections shall comply with Utility standards and specifications.

7-1-6. PRIVATE SYSTEMS.

(A) *Policy No. 7 - Private systems.* Private system connection to the public system will be allowed, provided that the following conditions are met:

(1) The private system meets all specifications, design requirements and applicable health standards as established by the Utility or otherwise required by law;

(2) The total system design and construction costs shall be the responsibility of the Petitioner;

(3) Maintenance, operation and power costs of the added facility shall be an additional responsibility of the ultimate users within the private system;

(4) Private systems shall usually be allowed only one connection point to the Utility system. Developments requiring connection at more than one point, due to service requirements, pressure considerations and/or fire flow requirements, may be allowed, provided that they are separately metered, that the areas are not interconnected, and that approved backflow devices are installed;

(5) Water lines for private fire protection will be allowed only one connection;

(6) Manifolding of meters, i.e., installation of multiple small meters in parallel, will not be permitted;

(7) The subject development conforms to applicable comprehensive plans of local governments and other policy instruments as determined by the Utility.

(8) The operation and provision for providing water for the private system does not affect the operations, use of or the ability to exercise and utilize the ABCWUA's water rights; and

(9) All private connections to the ABCWUA's sewer system shall be metered and measured on a monthly basis at the sole cost of the private utility.

7-1-7. FINANCING AND ALLOCATION OF COSTS OF CONSTRUCTION.

(A) *Policy No.8 - Financing of construction.*

(1) Property owners shall be responsible for the equivalent cost of water and/or sewer lines that are accessible to or can serve the property:

(a) The cost of water and/or sanitary sewer lines adequate to meet the applicable level of service shall be used for land zoned to allow and proposed to be used for residences which are single family detached, townhouses, duplexes or triplexes served by common or individual meters; and mobile homes served by individual meters;

(b) The cost of 12 inch water and/or sanitary sewer lines shall be assumed and used for all other land.

(2) In situations not covered by other policies herein, the cost of design and construction of water and sewer lines will be paid for by the Petitioner or property owner.

(3) Costs of lines extended to serve adjacent property will be prorated. Prorated costs will be assessed to the property to be served, and will be collected at the time of service provision for reimbursement to the Petitioner.

(B) *Policy No. 9 - Master plan lines sizes.* Master plan water lines 16 inches and larger, and sanitary sewer lines 15 inches and larger, shall be installed as follows:

(1) Master plan lines, when required primarily for the purpose of facilitating the use of any existing master plan facilities by completion of a portion of the Master Plan System, will be funded by the Utility in its Capital Improvement Plan. Inclusion of work in the Capital Improvement Plan will be at the sole discretion of the Board.

(2) Master plan lines requested in advance of funding in the Capital Improvement Program or unprogrammed Master plan line extensions of either water lines or sanitary sewer lines may be designed and constructed with the Petitioner advancing the full estimated design and construction cost. If applicable, the equivalent cost of lines as set forth in Policy 7(1) will be prorated as provided herein. Prorated costs will be assessed to the property to be served and/or benefited, and will be collected at the time of service provision for reimbursement to the Petitioner.

(C) *Policy No. 10 – Publicly owned property.* Water or sewer lines which are installed in streets or easements abutting or accessible to public property shall obligate the owning public entity to pay its share of the installation cost, as would be required of any other property owner. This expense shall not be borne by the Utility, and shall be prorated to the public property.

(D) *Policy No. 11 - Increase in system.*

(1) This policy applies to any Petitioner who proposes a development which:

(a) Would require water and/or sanitary sewer line construction in order to meet the increase in anticipated domestic water and/or sanitary sewer usage or in order to meet required fire flows beyond available system capacities, as determined by the Utility; or

(b) Would require extension of the water system that could not provide the applicable service level, as determined by the Utility; or

(c) Would require construction of major facilities which would be needed in advance of funding called for in the Capital Improvements Program.

(2) Development of such water and/or sewer system improvements shall be accomplished by:

(a) Design and construction supplied by Petitioner through a procedure acceptable to the Utility. If the improvements are located outside the existing service area of the Utility, a development agreement shall be required with the ABCWUA.

(b) Funds for design and construction advanced to the Utility by the Petitioner.

(c) Petitioner shall be reimbursed by the Utility for the facilities cost in excess of those costs for which Petitioner is otherwise obligated. Reimbursement, without interest, will be made from a portion of the UEC collected as properties connect to the portion of the system constructed with Petitioner provided funds. The portion of the UEC to be reimbursed shall be defined in a project specific development agreement and shall provide for recovery of the Utility's costs of providing other major facilities to serve the Petitioner.

(E) *Policy No. 12 - Criteria for apportionment of development and pro rata charges.* In those situations where the property owner may be responsible for part or all of the cost of main lines, sewer collector lines and water distribution lines, the following criteria shall be used in determining the extent of such responsibility:

(1) *Generally.*

(a) The property may be either improved or unimproved;

(b) Water and/or sewer lines must adjoin the property or be otherwise accessible to it;

(c) The line(s) must be able to service the property, i.e., proper size, proper elevation, pressure, etc.;

(d) The present or future use of the property must indicate a necessity for water and/or sewer service.

(e) In determining the use of the property, there shall be taken into consideration the highest and best use for which the property may be reasonably and legitimately adapted whether it be present or future use. However, any such future use must be more than merely speculation or conjecture. Factors to be taken into consideration in making this determination are:

1. Size of the property;

2. Present use;

3. Future use:

- a. Zoning;
- b. Platting;
- c. Development and relationship of surrounding area;
- d. Growth patterns;
- e. Access;
- f. Adopted city/county plans;
- g. Other.

4. Level of service.

(f) The method of determining such charge may be on a front foot, area or other equitable basis.

(2) Residential zoned property whether platted, unplatted, subdivided, or unsubdivided that has water and/or sewer lines on more than one side.

(a) The charge is to be based upon the shortest side of the lot adjoining such line unless service is to be taken from more than one line, then the charge shall be for all such lines connected thereto.

(b) In the event the property is unsubdivided or unplatted, it will be assumed to be divided to provide the density shown on the applicable planning documents.

(c) In the event the lines are not installed concurrently, then the charge is to be based upon the first line installed.

(d) The cost of installation of such water and sewer lines that are exempted herein shall be prorated among the other properties benefited therefrom.

(3) Other property that has water and/or sewer lines on more than one side. Such property shall be charged for all adjoining lines as provided for herein.

(4) Loop lines and fire protection. Notwithstanding the provisions herein, if water loop lines or lines for fire protection are necessary to provide adequate service and/or fire protection to the property, the property shall be charged for such lines.

7-1-8. PRO RATA.

(A) *Policy No. 13 - Pro rata.* Under some circumstances the Utility or a private developer may have advanced the cost of the installation of main lines, water distribution or sewer collector lines for which abutting or accessible property owners may be obligated under these policies to contribute a portion of the cost. When such obligation arises, the property owner shall pay to the Utility the pro rata share of the installation cost at the time application for service connection permits are made. Pro rata charges established prior to the adoption of this policy shall remain in full force and effect.

7-1-9. EXTENSION OF OR CONNECTION TO LINES OUTSIDE THE SERVICE AREA.

(A) *Policy No. 14 - Lines outside the service area.*

(1) Utility water, sanitary sewer or non-potable water lines may be extended outside the service area, or existing Utility lines located outside the service area may be connected to, at the Petitioner's expense, if the following applicable conditions are satisfied:

(a) Property is located within the area described in the Sanitary Sewer System Master Plan and Master Plan of Water Supply for City of Albuquerque & Environs, 1982 or any superseding plans adopted by the Board.

(b) Development agreement shall be required of all expansion or improvement outside the service area and be approved by the Board. Development approval should be given only under the following conditions:

(1) Development conforms to the provisions of applicable comprehensive plans and/or adopted planning documents or policies.

(2) Development reflects current law with respect to supply of water and wastewater facilities both within and beyond the existing service area.

(3) Development does not substantially preempt existing or planned facility capacity that is needed to accommodate projected development.

(4) Development is assessed the full cost of all project facilities and its proportionate share of the full cost of areawide facilities.

(c) Development shall be at no net expense to the ABCWUA, such that revenue generated from any expansion or improvement of the water and/or wastewater system shall be sufficient to support the costs of water and wastewater facilities in any expansion or improvement of the system and related infrastructure needed to serve any

expansion or improvement of the system. In keeping with this 'no net expense' policy, the ABCWUA and Petitioner agree:

(1) Facilities provided must meet the level of service standards adopted in a development agreement so that the development is concurrent with infrastructure service levels to ensure that public facilities exist to serve the development concurrent with its impacts.

(2) Any interim revenue generation shortfall related to the expansion or improvement shall be borne by the Petitioner.

(3) Revenues generated by and collected from the expansion or improvement shall reflect growth related operational and maintenance expenditures for such expansion or improvement.

7-1-10. PROVISION OF WATER SERVICE WITHOUT PROVISION OF SEWER SERVICE.

(A) *Policy No. 15 - Provision of Water Service without Provision of Sewer Service.*

(1) Water service shall only be provided in conjunction with sewer service. Construction of new water lines for service without sewer service is prohibited unless specifically approved by the Board. Petitioners seeking approval shall submit technical documentation showing that water service extension alone will not lead to ground water contamination. Such water service without sewer service shall only be allowed as part of a development agreement approved by the Board.

(2) Individual residential connections to existing water lines adjacent to the property may be permitted without sewer service under existing conditions where there are no sewer lines but water lines are present.

7-1-11. CONNECTION TO EXISTING SYSTEM REQUIRED.

(A) *Policy No. 16 - Connection to Existing System Required.* As a matter of health and safety and water conservation, connection to the Utility system of newly developed properties within 200 feet of an existing water distribution or non-potable water line or sewer collection line in the service area is required. Nothing in this policy shall be construed to prohibit continued use of existing shallow wells for irrigation purposes following connection to the Utility for household service subject to proper isolation from the Utility system. The Office of the State Engineer determines conditions under which wells may be drilled.

7-1-12. WATER SUPPLIES AND WATER RIGHTS.

(A) *Policy No. 17 – Water Supplies and Water Rights.* All developments located outside the service area will be assessed a water supply charge as provided in the Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rate Ordinance for the development of new water resources, rights and supplies to serve the development. The water supply charge will not be used for reimbursement of master planned facilities.

7-1-13. CUSTOMER RESPONSIBILITY FOR LINES.

(A) *Policy No. 18 – Customer Responsibility for Lines.* Customers are responsible for the costs of initial installation of the service line from the main to the meter setter including the meter box, other water lines from, and including, the point of connection to the water system, and sanitary sewer laterals upstream from the connection to the sewer collector line.

(B) Customers are responsible for the costs of maintenance, repair, and replacement of non-Utility lines as follows:

(1) Water service lines on the property side of the connection to the outlet of the meter, or meter setter if one is installed,

(2) Water lines on the property side of the back of curb for non-metered service, and

(3) Sanitary sewer laterals the entire length from the connection to the sewer collector line.

7-1-14. WATER SYSTEM PRESSURE.

(A) *Policy No. 19 – Water System Pressure.*

(1) Working water pressures shall be maintained within safe and reasonable limits. The Utility may make pressure changes as necessary for system efficiency and integrity. Implementation shall proceed with advance notice and advice to existing customers.

(2) Water pressure shall be maintained within a nominal range of 35 to 110 pounds per square inch (psi) as measured at the meter inlet under non-flow conditions. Customers with pressure in excess of 80 psi are responsible for installation of a pressure regulating device downstream of the meter in conformance with the Uniform Plumbing Code.

(3) Properties connected outside established standard pressure zones shall be responsible for the consequences of such connection including the costs of supplemental pumping or pressure reduction. Supplemental pumping or pressure reduction to achieve service pressures outside the nominal pressure range may be available to customers as an

optional additional-cost service at the Utility's sole discretion. Corrective measures to the system to have pressures fall within the nominal range will be made as funding is available.

(4) Where individual pressure regulation devices are installed by the Utility, they will become the property of and responsibility of the customer whether installed to correct historical situations or required to accommodate system changes.

7-1-15. SERVICE CONSISTENCY WITH APPROVED LAND USE PLANS.

(A) *Policy No. 20 – Service Consistency with Approved Land Use Plans.*

(1) The availability of water service shall not be used to approve, disapprove, or delay development. Water and sewer service shall be extended as approved by the Utility consistent with adopted policies that contain decisions which explicitly consider both the availability of water and the prospects for water service, and which address the need for synchronizing the timing of land-use and water decisions. The land-use approval processes include, but are not limited to, consideration by planning commissions, development review agencies, and various governing bodies. Comprehensive plan policies for land use, supplemented by other adopted major planning documents, determine the appropriate locations and densities of development.

(2) Petitioners must comply with policies regarding land use, water supply sustainability, and other policies as adopted in other documents. Established procedures for approving new development such as subdivision agreements, development agreements, and other methods for determining capital improvements needs and financial responsibility shall continue to be followed using existing governmental procedures.

(3) The size of facilities and scale of service shall be consistent with adopted land-use plans. Land-use designation provides the basis for sizing facilities and service. Utility services shall be designed to match designated land uses and density provisions. If the land use for a proposed development is changed after the facilities are built, all costs incurred for capacity increase will be the sole responsibility of the Petitioner. The scale of water service to be provided and the technical, financial, and managerial responsibilities for its provision shall be stated in the land use documents and followed in water service delivery.

(4) The following three “scales of service” are defined. The water delivered will meet the same quality standards but some other factors will be different. Suburban and rural service levels are established to reduce the capital costs of extending service to areas

that are not intended to develop to urban densities, thereby making it more feasible to extend service and to inhibit density changes to avoid the high costs of retrofitting.

(a) Urban-scale service provides for substantial reliability and capacity. This provides for high-density housing, intensive commercial or industrial demands, and fire insurance flow rating near the best available (Insurance Services Office class 3 of 3500 gallons per minute or more).

(b) Suburban-scale service balances lower density and light commercial demands with smaller/fewer facilities that cost less. Consequences might be more obvious pressure variations, more noticeable supply interruptions during maintenance, and fire protection standards of 1,000 to 1,500 gallons per minute.

(c) Rural-scale service provides only for essential domestic water services. The water system does not provide rated fire protection.

Section 2. SEVERABILITY CLAUSE. If any Section, paragraph, sentence, clause, work or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Authority hereby declares that it would have passed this Ordinance and each Section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 3. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall become effective five days after publication by title and general summary.