

**LA LUZ MUTUAL
DOMESTIC WATER
CONSUMERS ASSOCIATION & MSWA**

**RULES
REGULATIONS
AND LEVEL OF SERVICE**

**APPROVED AND UNANIMOUSLY ADOPTED BY THE
BOARD OF DIRECTORS OF THE LA LUZ MUTUAL DOMESTIC WATER
CONSUMERS ASSOCIATION & MSWA
MAY 19,2015**

**REYNALDO DURAN – PRESIDENT
EDWARD SILVA - VICE PRESIDENT
CHERI MOORE - SECRETARY
VACANT – TREASURER
RAY SANCHEZ – WORK SUPERVISOR**

LA LUZ MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION & MSWA

RULES AND REGULATIONS

These Rules and Regulations are issued in compliance with the By-laws of the Association and designed to govern the supplying and taking of services rendered by the Association. They are subject to changes from time to time. If a provision of the Rules and Regulations should conflict with a provision of the By-laws, the By-law provision shall prevail. System shall meet all Federal and State regulations.

SECTION I – MEMBERSHIP

1. Application for Membership shall be made as provided by the Association By-laws. Upon review and approval of the application by the Board of Directors, and payment by the applicant of membership, meter fees and taxes at current rates, a membership certificate shall be issued and service provided. This includes a non-reimbursable Membership fee assessment, meter, back flow preventer, and installation charge. (Special installations will result in additional charges.) **Developers will be required to purchase assessments for each lot developed prior to dedication of system extensions and delivery of water.**
2. The Association, through its Board of Directors, may enter into special service contracts with the Federal Government, or the State of New Mexico through their agencies, with County Government agencies, with School Districts, or with other Municipal Agencies. These special contracts may vary and deviate from the stipulations set forth in the approved rate schedule, and the Rules and Regulations.

SECTION II –WATER SERVICE

1. **Water service**: shall not be made available for properties which are not entirely within the boundaries of the La Luz Mutual Domestic Water Consumers' Association and Mutual Sewage Works Association. ******(Changed to read 9-20-15)
2. Water Service shall consist of facilities to supply water, at normal operating pressure ****** (20-100 psi) of the system, to one residence, or place of business, at the meter. Water service shall be considered available when the Association maintains the supply, at normal pressure, at the point of delivery, in readiness for the Members use, regardless of whether or not the Member makes use of it.
******Except in extenuating circumstances.
3. Upon approval of an application for service the Member will be billed at one-half (1/2) the rate set forth in the approved rate schedule, during the continued period of nonuse of the service.
4. The Board of Directors may withhold approval of an application for Membership and service if the Association's existing water system does not extend to the applicant's intended place of use. In some cases, the Board may allow a "conditional approval", to become effective upon extension of the water main system to the intended point of use according to Rule 3, Section V.
5. Water service is for the sole use of the Member, Member's agent(s) or tenant (s) at the location requested, and does not permit the transfer of water by any means to another dwelling place or business. The sharing or reselling of water shall be cause for disconnection of Member's service.
6. **Leak Policy**: The following policy will be in place should the Association determine a leak exists on member's property: (1) the Member shall be notified of leak. (2) If leak has not been repaired by the next months reading, service may be disconnected.

7. **Excess Water Usage:** Members with excessive water usage, due to unforeseen circumstances may request a review by the Board to see if there is justification to adjust the water bill. This request should be made within 30 days after the date of water bill in question and the Member or their representative must present their case at the Board meeting. Adjustments shall not reduce the bill below the cost of producing the water in question.
8. **Maintenance and Repair of Service Lines:** Association is responsible for the maintenance and repair of the service lines from the association water main up to and including the water meter and meter yoke. The Member is responsible for the maintenance and repair of service lines connecting his building to the Association water system at the outlet of the meter yoke. Any work performed by the Association in regards to connections at the meter yoke shall have a one (1) year warranty period in effect from the date of said work. Any work **not done by LLDWCA & MSLWA will not be warranted and is the responsibility of the Member.**
9. **WATER LOSS:** Annual water loss will be less than 10% annually.
10. **Complaints:** will be addressed within 24 hours of receipt.

SECTION III – METERS

1. **METERING OF SERVICE:** Water service will be metered to each Member at Member's dwelling or place of business.
2. **SPECIAL SERVICE METERS:** To insure proper control and accurate accounting of gallonage use the Association is required to meter all special service contracts entered into, under Rule 2 Section I.
3. **METERING FACILITIES:** Metering facilities shall be installed by the Association and paid for by the Member. These facilities shall

consist of a service clamp, corporation stop, service line, meter yoke, meter box, and back flow preventer. **Tampering with the metering facilities is strictly forbidden**, and shall be cause for disconnection of Member's service.

4. **LOCATION OF METERING FACILITIES:** Metering facilities shall be located on public utility alleyways, adjacent to the Member's property line. Each Member is required to install a cut off valve on each Member's private property to control water flow in the event Member's dwelling plumbing requires repair. The Association's meter valve is not to be used for this purpose. If a Member requires water flow control by means of the meter valve, Member must call the water office for this service, and will be billed a charge of ten dollars(10.00) for each turn off or turn on.
5. **METER TESTING:** Meter tests will be made in accordance with the specifications of the American Waterworks Association. A complete record of tests and history of each meter will be kept by the Association.
6. **METER ACCURACY:** Service meters whose errors do not exceed two percent (2%), fast or slow shall be considered as being within the allowable limits of accuracy for billing purposes.
7. **METER TEST REQUESTS:** Meter tests requested by a Member will be performed free of charge to the Member if the meter is found to be in error of more than two percent (2%). *If* meter is found to be within the allowable limits the Member requesting the test will be billed at current meter test charge on the Member's next water bill, to pay for the test.
8. **SERVICE TO FIRE DEPARTMENT:** The La Luz Volunteer Fire Department building will be metered, and will furnish the water office with a log of water used outside of building i.e.; fire hydrants, etc. The log is to be furnished on a monthly basis.
9. **FREE SERVICE FOR PARK AND CEMETERIES:** Each of the two La Luz cemeteries, and the La Luz Park, shall have a maximum of 15,000

gallons per month. A log shall be kept by the Association of actual water usage.

10. **METER RELOCATION:** There will be a charge of forty dollars (\$40.00) per hour for labor, plus additional material, for a relocation of meter.
11. **BACKFLOW DEVICE:** Effective May 1, 1990, all new meters will be installed with an accepted back flow prevention device.
12. **CROSS CONNECTION:** Effective May 1, 1990, all present water Members having a cross connection between a private well and the **LA LUZ MDWCA LINES¹** (1) will have a back flow prevention device installed at the **LLMDWCA & MSWA** meter² (2) This shall be done at the owners expense.

FOOTNOTES

¹Previous outlawed by Section V, paragraph 2 of the Rules and Regulations adopted 8 Sept., 1986.

²The owner may elect to separate a well or storage tank from the **LLMDWCA & MSWA** lines by means of air gap. The **LLMDWCA & MSWA** reserves the right to inspect any air gap or other means of separation at any time.

DEFINITIONS

1. **BACK FLOW** means a reversal (i.e.: back pressure or back siphonage of a contaminant, pollutant or water from an unimproved supply into the distribution pipes of the **LLMDWCA & MSWA** water supply.

2. **BACKFLOW PREVENTION DEVICE:** means any acceptable device which prevents back flow, back siphonage back pressure.
3. **CROSS CONNECTION:** means any actual or potential connection between the ***LLMDWCA & MSWA*** potable water supply and any other sources of pollutants, contaminants or other harmful or detrimental substances that may be accidentally or intentionally introduced into a potable water system.

SECTION IV BILLING AND PAYMENT

1. **READING AND BILLING:** The water office shall bill the membership monthly, for water and services from the actual meter readings, at rates set forth in the approved rate schedule and these rules. All rates shall be predicated on an ascending scale method. Meters will be read by the Association on or about the 25th day of each month, or if a legal holiday, on the first working day following.
2. **DUE AND PAYABLE:** Bills for water service will be mailed on the first day of the month, and are due and payable by the 20th of each month. Failure to pay for water and services within the times provided in these rules shall be grounds for disconnection of water service.
3. **PENALTY FOR LATE PAYMENT:** The Association will impose a late fee of \$5.00, plus 15% and tax to all unpaid balances after the twentieth (20th) day of the month.
4. **DELINQUENT ACCOUNTS:** Any Member's account billed for water service on the first of the month, and not paid in full by the twentieth (20th) day of the month, shall be considered a delinquent account. If the delinquency is not paid in full by billing date of the following month's charges a "past due" notice will be sent. If the delinquency is not paid within 5 days, water service will be disconnected without further notice. When the health of a Member, or Member of household, is threatened by disconnection of services, the Association will act as directed by the laws of the State of New Mexico.
5. **RECONNECT OF WATER SERVICE:** Any water service which has been disconnected due to a delinquent account, or for other reasons caused by a Member, present or former, will not be reconnected until the account has been brought current. A twenty-five (\$25.00) fee for reconnection must be paid.
6. **INCIDENTAL DAMAGES:** Any damage caused to the system will result in the responsible party being billed for parts and labor.

7. **PREPAYMENTS:** Prepayment is a useful means for membership to pay their water bill should they be away for any length of time and/or pre-planning future payments to the Association. However, the Association will enforce a prepayment threshold not to exceed \$500.00 per calendar year per membership, which will reduce liability for the Association.

SECTION V – GENERAL RULES

1. **RULES AND RATES:** The supplying and taking of water shall be in conformance with these rules and the current approved rate schedule. Provided, however, that such rate schedule is subject to change by action of the Board of Directors. Provided further, that if at any time the Board determines that the total amount derived from the collection of water charges is insufficient to pay such operating cost repairs, or debt service. Water rates will be reviewed annually.
2. **CONNECTION TO PRIVATE SYSTEM:** There shall be no physical connection between any private water system, and the distribution system of the Association. Representatives of the Association shall have the right, at all reasonable hours, to enter upon the Member's premises for the purpose of inspection and the enforcement of this provision. Violation of this provision is cause for disconnection of service, if deemed proper, by the Board. There will be a charge of twenty- five dollars (\$25.00) for disconnection.
3. **EXTENSION OF WATER MAINS:** New mains and service lines required to extend water service beyond the existing supply system of the Association will be the responsibility of the party applying for such service. These lines will be installed at no cost to the Association. They will then be donated by dedication to the Association for maintenance and control. Such lines will be installed and tested to meet EID (Environment Improvement Division), State of New Mexico, and Association specifications. The installation and

testing must be inspected and approved by the Work Supervisor, and the Water Operator, in order for the Association to accept as part of the distribution system for maintenance and control. **Upon completion of system extension a one year warranty shall be in effect from date of completion. Developers will be required to install service lines up to property line.**

4. **SIZE OF WATER MAINS:** All new water mains shall be a minimum of six inches (6") in diameter.
5. **MAJOR EXTENSIONS OF DISTRIBUTION SYSTEM:** In the case of a landowner or developer planning to establish a subdivision, applicant will be required to install the water distribution system in the utility easements upon the dedicated streets or alleys. Installation of the distribution system will be done in accordance with plans and specifications approved by the Association, proper agencies of the State of New Mexico, and/or the Federal Government. The developer will then be required to donate the system to the Association and provide an accurate utility plat, drawn by a licensed Engineer, showing the location of each part of the system. The Association may also require a developer to pay for required enlargements to the water plant in case of special and extreme service requirements. Major extensions of the distribution system shall be subject to Association limitations, as established by the State Water Engineer. The installation and testing must be inspected and approved by the Work Supervisor, and the water Operator, in order for the Association to accept it as a part of the distribution system for maintenance and control.
6. **FIRE HYDRANTS:** New mains or service lines six inches in diameter, or larger, will require a fire hydrant, approved by the Association and Fire Department, every 500 feet.
7. **CONTINUITY OF SERVICE:** The Association will make every effort to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extensions or other necessary work. Efforts will be made to notify Members who may be affected by such interruptions, but the Association will not accept the responsibility

for losses caused by such necessary interruptions. Members will receive written notice of **planned** interruption of service 24 hours in advance. Planned interruptions in service will occur during the hours of 9:00AM and 4:00 PM, Monday thru Friday 95% of the time. **Unplanned interruptions** in service (emergency situation) will not require notification. Any adverse event not related to electric failure or severe weather condition will not cause the member to be without water for more than 8 hours at a time.

8. **CHANGE OF OCCUPANCY:** It shall be the Members responsibility to anticipate change of occupancy, and to have the Membership transferred to the new consumer as prescribed in the By-laws. Until the Membership is formally transferred, the original holder shall be responsible for payment of all charges. All charges levied against a Membership, plus a transfer fee of twenty-five dollars (\$25.00) plus tax, must be paid before the Membership can be approved for transfer, or services resumed when there had been a suspension of service.
9. **RESTRICTIONS ON COMMERCIAL USE OF WATER:** It is the intent of the Association to provide water only for domestic residence use, and for places of business whose water use can be equated to domestic use. Enterprises, such as car-washes, and laundries, whose principal activity makes commercial use of water, and have extreme service requirements, will be prohibited from use of the Associations water services.
10. **HANDLING OF WATER SHORTAGE:** In the event of a water shortage due to well failure, natural or mechanical, contamination, or other problems with the distribution system, the Association shall impose restrictions on water usage as is deemed necessary. Method of notification of restrictions on water usage will be determined as such time as a need may occur.
11. **WELL MONITORING AND DRAW DOWN:** The Association shall perform drawn down test on each well monthly. The results of these tests shall be kept in a log for each well, and shall provide over a period of years a record of any changes in the water level in the aquifer.

12. **CONSERVATION PROGRAM:** During Daylight Savings Time, the following water conservation measures shall be in effect at the times specified: Users with odd numbered addresses shall be permitted to use water on each **Wednesday, Friday and Sunday.** Users with even numbered addresses shall be permitted to use water on each **Tuesday, Thursday and Saturday.** Watering hours are before 10:00 AM or after 6:00 PM. Watering shall be **prohibited on each Monday.**

I, Reynaldo Duran, President of the La Luz Mutual Domestic Water Consumers Association & MSWA, an Association existing under the laws of the State of New Mexico, hereby certify that the above and foregoing is a true and correct copy of the Rules and Regulations approved and duly adopted at a meeting of the Board of Directors held on May 19, 2015, at La Luz New Mexico.

Reynaldo Duran, President