

AN ACT

RELATING TO MUNICIPALITIES; AMENDING SECTIONS OF THE MUNICIPAL CODE TO PROVIDE FOR PAYMENTS AND LIENS FOR CERTAIN WATER UTILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 3-23-1 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-22-1, as amended) is amended to read:

"3-23-1. MUNICIPAL UTILITY--SERVICE CHARGES--DEPOSITS--DISCONTINUANCE OF WATER SERVICE FOR NONPAYMENT OF CHARGES--SUPPLEMENTAL METHOD.--

A. A municipality, including an entity established pursuant to Section 72-1-10 NMSA 1978, may require a reasonable payment in advance or a reasonable deposit for water, electricity, gas, sewer service, geothermal energy, refuse collection service or street maintenance.

B. If payment of any price, rent, fee or other charge for water, sewer service, refuse collection or street maintenance is not made within thirty days from the date the payment is due, the water service may be discontinued and shall not be again supplied to the person liable for the payment until the arrears with interest and penalties have been fully paid.

C. The provisions of this section are intended to afford an additional method of enforcing payment of charges

for water, sewer service, refuse collection or street maintenance furnished by the municipality."

SECTION 2. Section 3-23-6 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-22-6, as amended) is amended to read:

"3-23-6. CHARGE FOR SERVICE OF MUNICIPAL UTILITY BECOMES A LIEN AGAINST THE PROPERTY SERVED--EXCEPTION.--

A. Any charge imposed by ordinance for service rendered by a municipal utility, including an entity established pursuant to Section 72-1-10 NMSA 1978, except as indicated in Subsection C of this section, shall be:

(1) payable by the owner, personally, at the time the charge accrues and becomes due; and

(2) a lien upon the tract or parcel of land being served from such time.

B. The lien shall be enforced in the manner provided in Sections 3-36-1 through 3-36-5 NMSA 1978. In any proceedings where pleadings are required, it shall be sufficient to declare generally for the municipal utility service. Notice of the lien shall be filed in the manner provided in Section 3-36-1 NMSA 1978, and the effect of such filing shall be governed by Section 3-36-2 NMSA 1978.

C. Subsection A of this section shall not apply if an owner notifies the municipality that utility charges that may be incurred by a renter will not be the responsibility of the owner. Such notification shall be given in writing prior

to the initiation of the debt and shall include the location
of the rental property."
