



VILLAGE OF CORRALES

ORDINANCE NO. 12-014

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4
5 **AN ORDINANCE RELATING TO THE COLLECTION,**
6 **TRANSPORTATION AND DISPOSAL OF LIQUID WASTE IN THE VILLAGE OF**
7 **CORRALES; DEFINING TERMS; CREATING A PUBLIC UTILITIES DEPARTMENT;**
8 **ESTABLISHING A WASTEWATER UTILITY SYSTEM; DESIGNATING**
9 **WASTEWATER UTILITY SERVICE AREAS; PROVIDING FOR SERVICE**
10 **CONNECTIONS TO THE WASTEWATER UTILITY SYSTEM; PROVIDING FOR**
11 **THE OPERATION, INSPECTION, MAINTENANCE AND REPAIR OF THE**
12 **WASTEWATER UTILITY SYSTEM AND SERVICE CONNECTIONS; PROHIBITING**
13 **CERTAIN DISCHARGES AND ACTIVITIES IN CONNECTION WITH LIQUID**
14 **WASTE AND WASTEWATER UTILITY SERVICE; ESTABLISHING A SYSTEM OF**
15 **RATES AND CHARGES FOR WASTEWATER UTILITY SERVICE; PROVIDING FOR**
16 **LIMITED TERMINATION AND RECONNECTION OF WASTEWATER UTILITY**
17 **SERVICE; AND PROVIDING A PENALTY FOR VIOLATIONS.**

18
19 **WHEREAS**, studies performed by the New Mexico Environment Department and by
20 others have determined that the many septic systems discharging into the shallow ground water
21 of the Village of Corrales (the “Village”) have caused a deterioration in quality of the shallow
22 ground water, particularly in areas with a relatively high density of businesses or residences; and
23

24 **WHEREAS**, to reduce the discharge of wastewater through septic systems in the
25 Corrales Road High Density Area along Corrales Road from Meadowlark Lane to Old Church
26 Road by providing an alternative system of wastewater disposal, the Village has constructed a
27 STEP (septic tank effluent pumping) wastewater utility collection system along Corrales Road
28 from Old Church Road southward, connecting with the Albuquerque Bernalillo County Water
29 Utility Authority’s wastewater collection system at a point south of the Village; and
30

31 **WHEREAS**, the Village anticipates and has provided capacity so that the area served by
32 the STEP wastewater utility collection system may in the future be expanded to serve other parts
33 of the Village having a relatively high density of septic systems or other types of wastewater
34 disposal systems discharging to the ground water; and
35

36 **WHEREAS**, the Village Council, the governing body of the Village (“Governing Body”)
37 finds that it is incumbent upon the Village to provide for commencement of wastewater utility
38 service and the continuing operation and maintenance of the STEP system; and
39

40 **WHEREAS**, the Governing Body finds that the Village should adopt appropriate
41 regulations regarding the use of the STEP system, consistent with the regulations of ABCWUA
42 as owner and operator of the receiving wastewater utility system and of the publicly operated
43 treatment works that will treat the wastewater prior to its release into the Rio Grande; and
44

45 **WHEREAS**, it is necessary for the Village to recover a reasonable portion of the costs
46 the Village has incurred for the construction of the STEP system and also to recover a reasonable

47 portion of the costs it will incur during the start-up and initial phases of wastewater utility service
48 provided by the STEP system; and
49

50 **WHEREAS**, the STEP system requires the installation of specific types of equipment on
51 service connections of individual wastewater customers, and it is necessary to provide for the
52 proper installation, inspection, maintenance and if necessary repair of the service connections
53 and the equipment included in them; and
54

55 **WHEREAS**, the Governing Body finds and declares that, over the long term, the
56 wastewater utility system should be operated as an enterprise utility of the Village, with the
57 continuing costs of operating and maintaining the wastewater utility system covered by those
58 who utilize the system and benefit from it; and
59

60 **WHEREAS**, the Governing Body finds that it is necessary and appropriate to provide for
61 penalties and for corrective action in the event of improper disposal of wastewater or in the event
62 of damage to or improper use of the STEP system.
63

64 **NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Village of
65 Corrales, New Mexico, as follows:
66

- 67 1. The following material, comprising designated Sections 23-1 through 23-4,
68 inclusive and designated Sections 23-26 through 23-35, inclusive, is hereby adopted by and as an
69 ordinance of the Village.
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76 *(Remainder of page intentionally left blank.)*
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79

Chapter 23

LIQUID WASTE MANAGEMENT

ARTICLE I. GENERAL PROVISIONS

Section 23-1. Purpose.

This Chapter 23, Liquid Waste Management, of the Code of Ordinances of the Village of Corrales is adopted to protect the health, safety and welfare of the citizens of the Village by providing for the prevention and abatement of public health hazards that may result from improper wastewater disposal, to improve the quality of surface water and groundwater in the Village, to prevent contamination of necessary water supplies, and to provide for a wastewater utility system serving those parts of the Village where such a system is most urgently needed.

Section 23-2. Authority, jurisdiction and scope.

(a) *Authority.* The provisions of this chapter are adopted to protect the health, safety and general welfare of the citizens of the Village under the authority of Chapter 3, NMSA 1978, including but not limited to Sections 3-18-22, 3-18-25, and 3-26-1 through 3-26-3 thereof, and the general police powers of the Village.

(b) *Jurisdiction and scope.* This chapter shall govern the collection, transportation and disposal of liquid waste within the Village of Corrales. The provisions of this chapter are applicable and binding within the municipal limits of the Village.

Section 23-3. Definitions.

As used in this chapter, the following words, terms, phrases and abbreviations shall in all cases have the meaning indicated, unless the context clearly requires otherwise.

ABCWUA means the Albuquerque Bernalillo County Water Utility Authority.

Advanced treatment system means a wastewater treatment system that removes a greater amount of contaminants than is accomplished through primary treatment, either by physical or chemical processes.

Albuquerque Bernalillo County Water Utility Authority means the water utility authority created by 2003 N.M. Laws ch. 437, codified as Section 72-1-10, NMSA 1978, as amended and supplemented.

Applicant means any person or entity that seeks to make a service connection to the Village's wastewater utility system, including persons and entities that are required to make such connection in accordance with this chapter.

126 *Biological oxygen demand* means the quantity of oxygen utilized in the biochemical oxidation of
127 organic matter by 40 CFR 136 or EPA accepted *Standard Methods* procedures in five (5)
128 days at 20° C, expressed in milligrams per liter.
129
130 *BOD* means biological oxygen demand.
131
132 *CFR* means the Code of Federal Regulations.
133
134 *Chemical oxygen demand* means the oxygen-consuming capacity of organic and inorganic matter
135 present in wastewater by 40 CFR 136 or EPA accepted *Standard Methods* procedures,
136 expressed as milligrams per liter.
137
138 *COD* means chemical oxygen demand.
139
140 *Commercial facility* means a structure that is not a residential unit but which has sewage-
141 producing fixtures such as sinks, baths, showers, toilets, urinals, dish- and clothes-
142 washers or floor drains for receiving liquid waste. The term *commercial facility* includes
143 but is not limited to industrial facilities, retail and wholesale stores, offices, schools,
144 government buildings, churches, synagogues and all other non-residential units
145 generating wastewater.
146
147 *Connection fee* means any fee charged by the Village to an applicant as a condition for
148 connection of the applicant's wastewater system to the Village's wastewater utility
149 system.
150
151 *Corrales Road High Density Area* means all individual properties located adjacent to Corrales
152 Road, or any portion of which lies within two hundred (200) feet from the nearest right of
153 way boundary of Corrales Road, between Old Church Road on the north and Meadowlark
154 Lane on the south, and including commercial properties at the intersection of Corrales
155 Road and Meadowlark Lane.
156
157 *Customer* means any person or entity that has made a connection to the wastewater utility system
158 or otherwise receives service from the wastewater utility system.
159
160 *Developed*, in connection with real property, refers to any parcel of real property on which is
161 located any residential unit or commercial facility.
162
163 *Environmental Protection Agency* means the Environmental Protection Agency of the United
164 States.
165
166 *EPA* means the Environmental Protection Agency.
167
168 *High-volume commercial facility* means a commercial facility having a liquid waste design flow
169 rate, or an actual mean liquid waste discharge, exceeding 600 gallons per day.
170

171 *Leach field* means a subsurface system of perforated pipes or similar material by which
172 wastewater from a septic tank is discharged into the soil or earth.
173

174 *Liquid waste design flow rate* means the design flow rate of a residential unit or commercial
175 facility determined in accordance with Subsection 23-31(b), or in accordance with
176 Section 20.7.3.201.P, NMAC, as amended and supplemented.
177

178 *Low-volume commercial facility* means a commercial facility having neither a liquid waste
179 design flow rate nor an actual mean liquid waste discharge exceeding 600 gallons per
180 day.
181

182 *New Mexico Environment Department* means the department of environment of the State of New
183 Mexico established by the Environmental Improvement Act (Chapter 74, Article 1,
184 NMSA 1978).
185

186 *NH₃-N* means the concentration of ammoniacal nitrogen in wastewater, measured in milligrams
187 per liter.
188

189 *NMAC* means the New Mexico Administrative Code.
190

191 *NMED* means the New Mexico Environment Department.
192

193 *NMSA 1978* means the New Mexico Statutes Annotated, 1978 edition.
194

195 *pH* means the logarithm to the base ten of the reciprocal of the hydrogen ion activity in solution.
196

197 *POTW* means publicly operated treatment works.
198

199 *Primary service area* means an area within the Village where wastewater utility service is made
200 available by the Village and connection of individual wastewater systems to the
201 wastewater utility is required in order to avoid or minimize wastewater discharges
202 harmful to the quality of ground water.
203

204 *Primary treatment* means a liquid waste treatment process that takes place in a treatment unit
205 such as a septic tank and allows those substances in wastewater that readily settle or float
206 to be separated from the water being treated.
207

208 *Private wastewater disposal system* means a privately owned septic system or other wastewater
209 disposal system not connected to the wastewater utility system or to any other wastewater
210 collection system conveying the wastewater to a POTW.
211

212 *Publicly operated treatment works* means a wastewater treatment plant owned by a governmental
213 agency and, in particular, the wastewater treatment plant owned and operated by the
214 ABCWUA.
215

216 *Residential unit* means a structure that is primarily used for living quarters and does not contain
217 commercial facilities.

218
219 *Septic tank* means a liquid waste treatment unit designed to provide primary treatment and
220 anaerobic treatment prior to disposal of wastewater.

221
222 *Septic tank effluent filter* means a filter placed upon the discharge pipe from a septic tank,
223 upstream from the STEP pump, to prevent solid materials from entering the wastewater
224 stream directed to the wastewater utility system; such a filter is mandatory for all service
225 connections to the wastewater utility system.

226
227 *Service availability date* means the date when construction and testing of the wastewater utility
228 system within any primary service area are completed and the wastewater utility system
229 within that primary service area is ready for installation of individual service connections.

230
231 *Standard Methods* means the laboratory procedures set forth in the latest EPA-approved edition,
232 at the time of analysis, of *Standard Methods for the Examination of Water and*
233 *Wastewater*, as prepared, approved and published jointly by the American Public Health
234 Association, the American Water Works Association and the Water Environment
235 Federation.

236
237 *STEP* means septic tank effluent pumping, and describes the nature of the Village's wastewater
238 utility system.

239
240 *Village* means the Village of Corrales, New Mexico.

241
242 *Wastewater utility system* means the STEP wastewater utility collection and transmission system
243 of the Village.

244
245 **Section 23-4. Public utility department.**

246
247 (a) *Department created.* There is hereby created within the executive branch of the
248 Village a public utility department (the "public utility department"). The utility department shall
249 consist of a director of public utilities and such employees as may from time to time be
250 authorized by the governing body to provide for the adequate and efficient management and
251 operation of the Village's wastewater utility system and any other public utilities that may be
252 owned and operated by the Village.

253
254 (b) *Director of public utilities.* The office of the director of public utilities shall be the
255 administrative position directly responsible for the management and operation of the wastewater
256 utility system and any other public utilities owned and operated by the Village. The director of
257 public utilities shall report directly to the Village administrator. The position of director of
258 public utilities shall be filled by a qualified full-time or part-time person as and when needed to
259 provide for efficient utility operations. The position of director of public utilities may for
260 administrative purposes be combined with another appropriate administrative position, with one
261 person serving in the combined capacity. If no director of public utilities has been appointed or

262 if the position becomes vacant, the administrator shall act as director of public utilities until the
263 position has been filled.

264
265
266 **ARTICLE II. WASTEWATER UTILITY SERVICE**
267

268 **Section 23-26. Wastewater utility system.**
269

270 (a) *Establishment.* The Village wastewater utility system is established for the
271 purpose of protecting the health, safety and welfare of the residents and property owners of the
272 Village and to protect the quality of the water supply for the Village and its residents and
273 property owners.
274

275 (b) *Nature of wastewater utility service.* The Village wastewater utility system is a
276 STEP (septic tank effluent pump) system, capable of accepting and transporting liquids only. All
277 solid and semi-solid materials must be removed prior to delivery of wastewater to the STEP
278 system. Removal and disposal of solids and semi-solids from the wastewater stream is the
279 responsibility of the customer.
280

281 (c) *Primary service areas.* Wastewater utility service shall initially be available to
282 properties within the Corrales Road High Density Area. Wastewater utility service may be
283 expanded and made available in other primary service areas as determined to be necessary and
284 appropriate by the governing body, and dependent upon the availability of funding and other
285 resources necessary to provide the service.
286

287 (d) *Responsibility.* Management, operation and maintenance of the Village's
288 wastewater utility system shall be the responsibility of the utility department, subject to the
289 supervision and control of the Village Administrator and the Mayor. Responsibility for utility
290 accounting and the billing and collection of wastewater connection fees, user fees and other
291 charges shall be as determined by the Village Administrator with the approval of the Mayor.
292

293 **Section 23-27. Wastewater service availability; mandatory and optional connection.**
294

295 (a) *Corrales Road High Density Area.* Upon completion and testing of the initial
296 wastewater utility system serving the Corrales Road High Density Area, the Village
297 administration will determine and publicize the service availability date. The Village will also
298 notify individual property owners within the Corrales Road High Density Area of the service
299 availability date and of the opportunity and obligation of property owners to connect to the
300 wastewater utility system. The owner of each developed lot or parcel of real property within the
301 Corrales Road High Density Area may connect to the wastewater utility system at any time after
302 the service availability date, and in any event shall cause every building or facility on such lot or
303 parcel that is a source of liquid waste to be connected to the wastewater utility system no later
304 than the first to occur of the following:
305

- 306 (1) High-volume commercial facilities shall connect no later than six (6) months
307 following the service availability date;

- 308
309 (2) Low-volume commercial facilities shall connect no later than one (1) year
310 following the service availability date;
311
312 (3) Residential units on properties adjacent to Corrales Road shall connect no later
313 than two (2) years following the service availability date;
314
315 (4) Residential units on properties not adjacent to Corrales Road shall connect no
316 later than three (3) years following the service availability date;
317
318 (5) Any newly constructed commercial facility or residential unit shall connect
319 immediately, such connection being a condition for issuance of a certificate of
320 occupancy;
321
322 (6) Any existing commercial facility or residential unit, served by a private
323 wastewater disposal system, which is remodeled, repaired or expanded in such
324 manner that the wastewater disposal system would have to be expanded under
325 NMED regulations shall connect to the wastewater utility system immediately;
326 such connection shall serve the entire commercial facility or residential unit and
327 shall be a condition for issuance of a certificate of occupancy; and
328
329 (7) If any existing private wastewater disposal system has failed and would require
330 repair or replacement as determined by NMED, the facility or residential unit
331 served by such system shall connect to the wastewater utility system immediately,
332 and repair or replacement of the existing system shall be required only to the
333 extent necessary to support wastewater utility service by the wastewater utility
334 system (e.g., replacement of the septic tank if required).
335
336 (b) *Other primary service areas.* Upon completion of a wastewater utility system
337 expansion into any new primary service area, the governing body shall determine, publicize and
338 cause the property owners within the new primary service area to be notified of the service
339 availability date for such primary service area, and the owners of each developed lot or parcel
340 within the primary service area shall be required to connect to the wastewater utility system in
341 accordance with the schedule set forth in Subsection 23-27(a), or such other schedule as the
342 governing body may establish for the new primary service area.
343
344 (c) *Private wastewater disposal systems prohibited.* It is prohibited for any person or
345 entity to construct or install a private wastewater disposal system, not connected to the
346 wastewater utility system, or to construct or install a leach field for a private wastewater disposal
347 system within any primary service area after the service availability date for such primary service
348 area.
349
350 (d) *Properties not within a primary service area.* Applicants whose properties are
351 not located within a primary service area (e.g., residents with properties near Corrales Road
352 south of the Corrales Road High Density Area) will be permitted to connect to the wastewater
353 utility system and become customers, under the same terms and conditions as customers within a

354 primary service area, provided that adequate capacity and infrastructure exists to support the
355 requested service.

356

357 **Section 23-28. Service connections.**

358

359 (a) *Application for service.* Each applicant for wastewater utility system service shall
360 submit to the Village an application for such service on a form provided by the Village,
361 providing the applicant's name, service address, mailing address, telephone number, the nature
362 of the commercial facility or residential unit to be served, design drawings or sketches of the
363 installation, equipment specifications for the installation, and any other information needed for
364 the Village to review the application. The application shall be accompanied by payment of the
365 entire amount of the connection fee and the equipment fee (if applicable), or by an application
366 for extension of time to pay the fee or fees and an executed form of agreement for payment of
367 the connection fee and equipment fee (if applicable) over a period not to exceed twenty-four (24
368 months), as provided in Subsection 23-31(c). The Village shall promptly notify the applicant if
369 any information is incomplete or if additional information is needed for review of the application
370 for service.

371

372 (b) *Information and materials provided by the Village.* The Village on request will
373 supply to any person schematic diagrams and other appropriate information describing
374 installation requirements and specifications for the wastewater service connection. The Village
375 also has and to the extent available will supply, upon request and payment of an equipment fee
376 equal to the Village's cost (or commitment to pay such equipment fee as provided in Subsection
377 23-31(c)), STEP pump packages suitable for residential units and commercial facilities not
378 requiring a flow rate greater than ten (10) gallons per minute, with pump basin and basin lid.
379 Materials supplied by the Village, if any, shall upon installation become the property and
380 responsibility of the customer.

381

382 (c) *Septic tank capacity.* Every new or replacement septic tank installed as part of a
383 wastewater service connection shall have adequate capacity for the type of service and facility
384 served, in accordance with applicable regulations of NMED. Where a wastewater service
385 connection is made from an existing septic tank with a capacity smaller than would be required
386 under NMED regulations, the existing septic tank may be allowed to remain in place, but the
387 frequency of required pumping and inspection will be increased as provided in Subsection
388 23-29(b)(2).

389

390 (d) *Sand traps and grease traps.* Sand traps or grease traps may be required for
391 schools, restaurants, and certain other commercial or public buildings to prevent accumulated
392 grease, oil, sand or mud from collecting in septic tanks and clogging the septic tank effluent filter
393 or passing from the septic tank to the pump basin and interfering with operation of the STEP
394 pump and the wastewater utility system. The Village will evaluate the need for sand traps or
395 grease traps on a case-by-case basis and notify the applicant or customer if they are required.
396 Where required, the Village shall have authority to inspect sand traps and grease traps at
397 appropriate times during regular business hours and in the event of an emergency, to ensure that
398 they are correctly installed and operating properly.

399

400 (e) *Approval of connection.* Upon review and approval of the application, the Village
401 will issue to the applicant an authorization to make the requested wastewater service connection
402 in accordance with the application and subject to any additional conditions the Village
403 determines are needed.

404
405 (f) *Building and excavation permits.* It is the responsibility of the applicant to obtain
406 necessary building permits and excavation permits for construction of the wastewater service
407 connection. Issuance of building permits and excavation permits will be subject to payment of
408 additional fees in accordance with Chapter 8 and Chapter 31 of the Village Code.

409
410 (g) *Installation.* The applicant or the applicant's contractor shall notify the Village at
411 least three (3) business days in advance of the date and time that installation of the wastewater
412 connection will begin. The applicant or the applicant's contractor shall ensure that all required
413 notices are made and inspections performed in accordance with the Corrales Building Code.
414 Also, representatives of the Village may observe the installation of the wastewater connection to
415 ensure compliance with applicable standards. Except for the optional Village-supplied materials
416 specifically described in Subparagraph 23-28(b), the applicant shall supply all materials,
417 equipment and labor needed for installation of the wastewater connection, including but not
418 limited to the required septic tank effluent filter, STEP pump and associated equipment,
419 wastewater line to the designated Village service connection point, and electrical equipment and
420 installations to provide necessary power supply. All plumbing and electrical work shall be
421 performed by licensed New Mexico contractors.

422
423 (h) *Disconnection of existing leach field or other on-site disposal facility.* Where the
424 connection to the wastewater utility system replaces an existing septic system with a leach field,
425 the leach field shall be disconnected from the septic tank and the pipe to the leach field shall be
426 capped within thirty (30) days after connection to the wastewater utility system is completed.
427 The customer or contractor shall provide written notice to the Village and NMED that the leach
428 field is disconnected and the pipe is capped. If the connection to the wastewater utility system
429 replaces any other type of on-site disposal system, such as an advanced treatment system or a
430 constructed wetland disposal facility, such on-site disposal system shall be disconnected in an
431 appropriate manner within thirty (30) days after connection to the wastewater utility system is
432 completed, and written notice shall be provided to the Village and NMED.

433
434 **Section 23-29. Operation, inspection, maintenance and repairs.**

435
436 (a) *Customer obligations for operation, maintenance and repairs.* The operation and
437 maintenance of the customer wastewater service connection from the building or structure served
438 to the point of connection with the Village's wastewater utility system are the sole responsibility
439 of the customer. Customer's responsibility includes, but is not necessarily limited to, proper
440 operation, maintenance and if necessary repair of the on-site wastewater conveyance pipes, sand
441 and grease traps, septic tank and septic tank effluent filter, STEP pump, and required check
442 valves and other appurtenances. In the event that a customer fails to effect necessary repairs or
443 modifications of the customer's wastewater service connection, after notice to do so, and the
444 Village finds it necessary to effect such repairs or modifications in order to ensure the integrity

445 and satisfactory operation of the wastewater utility system, then the customer shall be liable to
446 the Village for the Village's costs incurred.

447
448 (b) *Pumping of septic tanks and traps.* Septic tanks connected to the wastewater
449 utility system and required sand traps and grease traps shall be pumped or cleaned in accordance
450 with the provisions of this subsection.

451
452 (1) *Upon connection.* Existing septic tanks shall be pumped free of accumulated
453 material at the time of initial connection to the wastewater utility system, unless
454 the customer provides documentation that the septic tank was previously pumped
455 free of such material and a period of no more than one (1) year for high-volume
456 commercial facilities, or three (3) years for low-volume commercial facilities or
457 residential units, has elapsed since the septic tank was pumped.

458
459 (2) *Regular pumping and inspection.* Following connection to the wastewater utility
460 system, septic tanks, sand traps and grease traps (if present) shall be pumped free
461 of accumulated material and shall be inspected to determine integrity and proper
462 operation according to the following schedule:

463

Equipment and type of facility served:	Pumping and inspection frequency:
Septic tank, high-volume commercial facility	Every twelve (12) months
Septic tank, low-volume commercial facility	Every thirty-six (36) months
Septic tank, multiple residential units	Every twenty-four (24) months
Septic tank, single residential unit	Every thirty-six (36) months
Sand trap or grease trap	As needed to ensure no overflow to wastewater utility system

464
465 The septic tank effluent filter shall be inspected, cleaned and if necessary replaced
466 each time the septic tank is pumped or inspected.

467
468 If the septic tank has a capacity smaller than that required for the facility under
469 applicable NMED regulations, then the frequency of mandatory inspection and
470 pumping shall be modified in accordance with the following equation:

471
472
$$APF = \frac{ATC}{RTC} \times RPF;$$

473
474 where: APF = actual required pumping frequency (months);
475 ATC = actual septic tank capacity;
476 RTC = septic tank capacity required by NMED regulations; and
477 RPF = pumping frequency required per the preceding table.

478
479 Pumping and inspection of septic tanks shall be performed by or under the direct
480 supervision of a qualified maintenance service provider or inspector certified by
481 NMED to be competent in the physical examination and evaluation of on-site

482 liquid waste systems. The maintenance service provider shall, within thirty (30)
483 days following pumping or inspection of a septic tank connected to the
484 wastewater utility system, submit to the Village a signed report certifying that the
485 pumping or inspection was performed, providing the date of the pumping or
486 inspection, and noting any deficiencies or failures that were observed at the time
487 of the pumping or inspection.
488

489 (c) *Alteration or removal of components prohibited.* Alteration or removal of any
490 wastewater service connection components without the prior approval of the Village is strictly
491 prohibited. It is strictly prohibited to discharge wastewater to the wastewater utility system
492 without a suitable septic tank effluent filter in place. Any person who knowingly discharges
493 wastewater to the wastewater utility system in violation of this Subsection shall be punishable in
494 accordance with Section 23-33.
495

496 (d) *Customer obligation to provide electric power.* The customer shall provide
497 continuous and uninterrupted electrical power for operation of the STEP pump and any
498 appurtenances, except only for electrical service outages or failures beyond customer's control.
499

500 (e) *Village obligations.* The Village shall be responsible for the operation,
501 maintenance and if necessary repair of the wastewater utility system, except for customer
502 wastewater service connections as described in Subparagraph 23-29(a).
503

504 (f) *Right to enter, inspect and make emergency repairs.* The Village and its officers,
505 employees, agents and representatives, upon reasonable notice or without notice in the event of
506 an emergency, shall have authority to enter upon private lands for the purpose of inspecting any
507 portion of the wastewater utility system and the service connections thereto and making any
508 corrections or repairs that are necessary in the event of emergency to avoid, prevent or mitigate
509 damages to the wastewater utility system or disruption of wastewater utility services. In the
510 event that emergency repairs or modifications of a customer's wastewater service connection are
511 necessary to ensure the integrity and satisfactory operation of the wastewater utility system and
512 the customer does not promptly take appropriate steps to effect such repairs or modifications,
513 then the Village may make the necessary repairs or modifications and the customer shall be
514 liable to the Village for the Village's costs incurred.
515

516 **Section 23-30. Prohibited discharges and activities.**
517

518 (a) *Prohibited pollutants.* No person shall discharge or permit the discharge into the
519 wastewater utility system of any of the following pollutants which acting alone or in conjunction
520 with other substances present in the wastewater could interfere with the operation of the POTW:
521

- 522 (1) Pollutants which could create a fire or explosion hazard in the POTW, including
523 but not limited to waste streams with a closed-cup flashpoint of less than 140° F
524 (60° C) using the test methods specified in 40 CFR 261.21;
- 525 (2) Pollutants which could cause corrosive structural damage to the POTW, but in no
526 case discharges with a pH lower than 5.0 or higher than 11.5;

- 527 (3) Solid or viscous pollutants of any sort, including grease, wax or similar materials
528 which could clog the STEP wastewater lines;
- 529 (4) Any pollutant which could cause interference in the POTW or individual unit
530 operations of the POTW, including oxygen demand pollutants (BOD, COD,
531 NH₃-N and like materials) released in a discharge at a flow rate or concentration
532 which could cause interference in the POTW or individual unit operations;
- 533 (5) Heat in amounts which will inhibit biological activity in the POTW resulting in
534 interference, but in no case heat in such quantities that the temperature at the
535 POTW influent exceeds 104° F (40° C) or the temperature of the discharge into
536 the wastewater utility system exceeds 140° F (60° C);
- 537 (6) Petroleum oil, cutting oil, or products of mineral oil origin, in any amount;
- 538 (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the
539 POTW in a quantity that may cause worker health or safety problems, as
540 determined by ABCWUA;
- 541 (8) Trucked or hauled pollutants of any sort or in any quantity;
- 542 (9) Noxious or malodorous liquids, gases or other wastewater which, either singly or
543 by interaction with other wastes, are sufficient to create a public nuisance or a
544 hazard to life, safety or health, or the pollution of waters receiving discharge from
545 the POTW;
- 546 (10) Wastewater which imparts color which cannot be removed by the treatment
547 process such as, but not limited to, dye wastes and vegetable tanning solutions;
- 548 (11) Storm water, surface water, ground water, roof runoff, subsurface drainage,
549 swimming pool drainage, condensate, deionized water, and noncontact cooling
550 water, unless specifically authorized by ABCWUA and the Village;
- 551 (12) Sludges, screenings or other residues from the pretreatment of industrial waste;
- 552 (13) Medical wastes;
- 553 (14) Wastewater which, alone or in conjunction with other sources, could cause the
554 POTW's effluent to fail a NPDES toxicity test;
- 555 (15) Detergents, surface-active agents, or similar substances in quantities which could
556 cause excessive foaming in the wastewater utility system or the POTW;
- 557 (16) Fats, oils or greases of animal or vegetable origin;
- 558 (17) Persistent pesticides or herbicides, such as but not limited to dieldrin, aldrin,
559 chlordane, endrin, heptachlor, toxaphene, lindane, dioxin, benzene hexachloride
560 (BHC) and polychlorinated biphenyls (PCBs), or any other toxic refractory
561 organic chemicals;
- 562 (18) Radioactive waste of any sort;
- 563 (19) Dental amalgam; or
- 564 (20) Any pollutant which would result in a violation of any statute, rule, regulation or
565 ordinance of the Village, ABCWUA or any public agency, including discharges
566 prohibited by EPA.
- 567
- 568 (b) *Pollutant concentration limitations.* No person shall discharge or permit the
569 discharge into the wastewater utility system of any of the following pollutants at a concentration
570 in excess of that set forth in the table below or any different concentration of such pollutant that
571 may be established by ABCWUA's Sewer Use and Wastewater Control Ordinance on or after
572 the adoption of this Section 23-30:

Pollutant	Daily max. composite sample concentration limit (mg/l)	Applicability
Aluminum	900	Contributory discharges above background of 1.3 mg/l
Arsenic	0.051	Contributory discharges above background of 0.0107 mg/l
Benzene	0.05	All discharges
Cadmium	0.05	Contributory discharges above background of 0.01 mg/l
Chromium, total	4.1	All discharges
Copper	5.3	Contributory discharges above background of 0.063 mg/l
Cyanide	0.1	Contributory discharges above background of 0.010 mg/l
Fluoride	10.8	All discharges
Formaldehyde	100	All discharges
Lead	1.0	Contributory discharges above background of 0.01 mg/l
Mercury	0.0007	All discharges
Molybdenum	2.0	Contributory discharges above background of 0.025 mg/l
Nickel	2.0	Contributory discharges above background of 0.015 mg/l
Selenium	0.14	Contributory discharges above background of 0.002 mg/l
Silver	0.8	Contributory discharges above background of 0.076 mg/l
Zinc	2.2	All discharges
Phenolic compounds	2.0	All discharges
Total toxic organic	3.2	All discharges
BTEX *	0.75	All discharges

574 * Total benzene, toluene, ethylbenzene and xylenes.

575

576 (c) *Applicability of ABCWUA limitations.* In addition to the foregoing restrictions,
577 limitations and prohibitions, discharges of wastewater to the wastewater utility system shall
578 comply with all applicable regulations and limitations contained in the most recent sewer use and
579 wastewater control ordinance of ABCWUA, as amended and supplemented. In the event of an
580 inconsistency between the standards set forth in this Section and those contained in the
581 ABCWUA wastewater control ordinance, the more restrictive provision shall apply.

582

583 (d) *Damage to wastewater utility system.* It shall be unlawful for any person to
584 remove or damage any part of the wastewater utility system. No person shall excavate in any
585 public right of way within the Village without first obtaining an excavation permit from the
586 Village or other authority having control over the right of way, and all excavation shall be in
587 accordance with the terms of the permit. In the event that any person causes damage to the
588 wastewater utility system by excavation within the Village, such person shall be liable to the
589 Village for all costs incurred by the Village to repair, restore or replace the damaged portion of
590 the wastewater utility system. If the damage results from excavation without a required permit,

591 the person causing the damage shall be liable to the Village for an additional penalty in the
592 amount of one thousand dollars (\$1,000). The Village reserves the right to seek additional or
593 alternative civil penalties in the event of damage to the wastewater utility system or any portion
594 thereof, either within or outside of the Village, and regardless whether the person causing the
595 damage obtained an excavation permit from any authority.

596

597 **Section 23-31. Rates and charges for wastewater service.**

598

599 (a) *Imposition of fees and charges.* The Village shall impose reasonable and
600 appropriate fees and charges for wastewater utility system service to customers. The amount of
601 the fees and charges shall be established and may be amended periodically by resolution of the
602 governing body. Fees and charges for each class of customer shall be set at just and equitable
603 rates, sufficient in the aggregate to meet the Village's costs of establishing and operating the
604 wastewater utility system, except to the extent, if any, that the governing body shall by resolution
605 specifically provide funding for the wastewater utility system from other sources of funds.

606

607 (b) *Customer classes.* Fees and charges shall be determined based on three classes of
608 customers:

609

610 (1) Residential units. Where a single service connection serves multiple residential
611 units, fees and charges shall be based on the actual number of residential units
612 served.

613

614 (2) Low-volume commercial facilities.

615

616 (3) High-volume commercial facilities.

617

618 Where a single service connection serves multiple commercial facilities in common ownership,
619 the owner may elect to have each commercial facility treated as a separate entity for billing
620 purposes, or may elect to have all of them treated collectively as a single entity. The election
621 shall be made at the time of application for service, and shall be irrevocable for a period of one
622 (1) year thereafter. After the expiration of the initial one (1) year period, the owner may at his or
623 her discretion seek to amend the election, subject to Village approval; provided, however, that if
624 an owner initially elects to have multiple commercial facilities treated collectively as a single
625 entity, and subsequently changes the election to treat them as separate entities, then the
626 appropriate connection fee shall be required for each separate entity.

627

628 (c) *Regular fees and charges.* The following fees and charges shall apply:

629

630 (1) *Connection fee.* The connection fee shall be paid when the customer makes
631 application for wastewater service; provided, however, that upon a showing of
632 undue hardship, the applicant may be permitted to enter into an agreement with
633 the Village to pay the connection fee in monthly installments over a period not to
634 exceed twenty-four (24) months, without interest.

635

636 (2) *Equipment fee.* The equipment fee, if applicable, shall be in an amount sufficient
 637 to reimburse the Village for the cost of the equipment provided. The equipment
 638 fee may be paid when the customer makes application for wastewater service, or
 639 the applicant may enter into an agreement with the Village to pay the equipment
 640 fee in monthly installments over a period not to exceed twenty-four (24) months,
 641 without interest.

642
 643 (3) *Wastewater service charges.* Monthly charges for wastewater service shall be as
 644 established by resolution of the governing body, and may include both a monthly
 645 base charge and a commodity charge based on the liquid waste design flow rate
 646 for the facility served. For high-volume commercial facilities, the liquid waste
 647 design flow rate shall be determined in accordance with the following table, as set
 648 forth in Section 20.7.3.201 NMAC, or with any revision, amendment or
 649 supplementation thereof subsequently adopted by NMED.
 650

TYPE OF OCCUPANCY	GALLONS PER DAY
1. Airport, bus terminal, train station	20 per employee 5 per passenger
2. Beauty or barber shop	75 per service chair
3. Bowling alley (snack bar only)	75 per lane
4. Bed & breakfast	150 first bedroom 100 each additional bedroom
5. Camps:	
Campground with central comfort station	35 per person
With flush toilets, no showers	25 per person
Day camp (no meals served)	15 per person
Summer and seasonal	50 per person
6. Churches (sanctuary)	2 per seat
With kitchen waste	7 per seat
7. Dance hall	5 per person
8. Doctor or dentist office	250 per practitioner
Add	15 per employee
9. Factories (per 8-hour shift):	
No showers	25 per employee
With showers	35 per employee
Cafeteria, add	5 per employee
10. Food operations:	
Restaurant operating 16 hours or less per day	40 per seat
Restaurant operating more than 16 hours per day	60 per seat
Bar or cocktail lounge	20 per seat
Per pool table or video game, add	15 each
Carry out only, including caterers	50 per 100 sq. ft. floor space
Add per 8-hour shift	20 per employee
Food outlets only	10 per 100 sq. ft. floor space

Add for deli Add for bakery Add for meat department Add per public restroom	40 per 100 sq. ft. floor space 40 per 100 sq. ft. floor space 75 per 100 sq. ft. floor space 200
11. Hotels, motels, lodges (Laundries, lounges and restaurants calculated separately)	60 per bed
12. Institutions (resident) Nursing homes Rest homes	75 per person 125 per person 125 per person
13. Laundries Self-service (minimum 10 hours/day) Commercial	50 per wash cycle Per manufacturer's specifications
14. Offices	20 per employee per 8-hour shift
15. Parks: Picnic park – toilets only	20 per parking space
16. Recreation vehicles (RV) park: Without water hookup With water and sewage hookup RV dump station	75 per space 100 per space 50 per RV
17. Schools – Staff and office Elementary and day care Intermediate and high Boarding, total waste Gym and showers, add With cafeteria, add	20 per person 15 per student 20 per student 100 per person 5 per student 3 per student
18. Service station or convenience store Uni-sex restrooms	400 per toilet 800 per toilet
19. Stores Public restrooms	20 per employee 10 per 100 sq. ft. floor space
20. Swimming and bathing places, including public spas and hot tubs, public	10 per person
21. Theaters, auditoriums Drive-ins	5 per seat 10 per space
22. Veterinary clinic Add Add	250 per practitioner 15 per employee 20 per kennel, stall or cage

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As an alternative to the commodity charge based on the liquid waste design flow rate as set forth in the foregoing table, the owner or operator of a commercial facility may, at his or her expense, install a totalizing flow meter on the wastewater service connection between the STEP pump and the connection to the Village's wastewater utility system. The make and model of the flow meter and the design of the installation shall be approved by the Village utility department

658 prior to installation. After installation, the Village will cause the flow meter to be
659 read monthly, and the commodity charge shall be based on meter readings so long
660 as the meter is fully functional and operating properly. Flow meter readings shall
661 not be used as a basis to change the rate class of the facility served, which shall be
662 based on the liquid waste design flow rate regardless of measured wastewater
663 discharge. Service, maintenance, repair and, if necessary, replacement of the flow
664 meter shall be the sole responsibility of the customer.
665

666 (d) *Special fees and charges.* The Village may assess special charges to a customer
667 for any out of pocket costs the Village incurs beyond the normal costs of providing service to
668 other customers similarly situated. Special charges shall be made for, but are not limited to the
669 following situations:
670

- 671 (1) Costs associated with sampling, analyzing and evaluating the customer's waste
672 water and the effect of such waste water on the wastewater utility system when
673 such waste water is found to contain prohibited pollutants, and thereafter for
674 verification of compliance with this chapter as the director of public utilities
675 deems appropriate.
676
- 677 (2) Costs associated with repairing or replacing components of the wastewater utility
678 system that are damaged or destroyed by the actions of the customer or by any of
679 customer's wastewater discharged to the wastewater utility system.
680
- 681 (3) Costs beyond routine inspections associated with verifying compliance with the
682 inspection, pumping and maintenance requirements for septic tanks, grease traps,
683 sand traps and wastewater service connections as set forth in this chapter.
684
- 685 (4) Costs incurred for emergency correction or repair of a customer's wastewater
686 service connection as provided in Section 23-29(f).
687
- 688 (5) Any other costs incurred to enforce the provisions of this chapter, including legal
689 costs and attorney fees.
690

691 **Section 23-32. Responsibility for payment of rates and charges.**
692

693 (a) *Responsibility for payment.* Payment of all rates, fees and charges for wastewater
694 utility service is the responsibility of the owner of the property served, notwithstanding any
695 statement to the contrary in any lease, tenancy or land use agreement. Rates, fees and charges
696 for wastewater service shall, until fully paid, be a lien upon the property served. Upon receipt of
697 a written request signed and submitted by both the tenant and the property owner, the Village
698 will as a courtesy send any applicable bills for wastewater utility service to the tenant and accept
699 payment from the tenant; provided, however, that the property owner shall nonetheless be fully
700 liable for any rates, fees and charges not timely paid by the tenant. Failure by a tenant to make
701 timely payment of bills duly directed to the tenant does not impose any obligation upon the
702 Village to notify the property owner.
703

704 (b) *Billing.* Wastewater service fees and charges shall be determined and bills for
705 services shall be based on a monthly billing period, which shall not necessarily be a calendar
706 month. Monthly fees and charges shall be due without prorating for any portion of a month of
707 monthly billing period during which service was provided. Bills will be sent monthly as soon as
708 reasonably feasible after the end of the billing period.

709
710 (c) *Payments due; delinquencies and arrears.* Bills for wastewater utility services
711 are due and payable upon receipt. Any bill not paid within thirty (30) calendar days after it is
712 sent shall be deemed delinquent and shall be subject to interest at the rate of twelve percent
713 (12%) per annum, compounded monthly. Interest shall be imposed upon all payments in arrears,
714 whether for wastewater service charges, connection fees, equipment fees, or any other charges or
715 fees due on the account.

716
717 (d) *Lien on property served; enforcement of lien.* All rates and fees for wastewater
718 utility service, including interest on overdue charges, shall until paid be a lien on the real
719 property served, enforceable in accordance with Section 3-26-2 and Sections 3-36-1 through
720 3-36-7, inclusive, NMSA 1978. In the event that any amount billed for wastewater utility service
721 remains unpaid three (3) months after the billing date, the Village clerk may file a notice of lien
722 as provided in Section 3-36-1, NMSA 1978, and other applicable law, and shall thereupon
723 impose a fee of five hundred dollars (\$500.00) to reimburse the Village's costs to impose and, if
724 necessary, enforce the lien.

725
726 (e) *Enforcement of lien.* A lien for non-payment of wastewater utility service fees
727 and charges may be enforced by the Village by foreclosure or as otherwise provided by law. In
728 the event that legal action is necessary to enforce a lien, the Village will seek recovery of its
729 costs and attorney fees incurred for enforcement of the lien, in accordance with Section
730 3-36-4(B), NMSA 1978.

731
732 (f) *Change of ownership or tenancy.* Upon the sale or a change in tenancy of any
733 property served by the Village's wastewater utility system, it is the responsibility of the owner or
734 tenant leaving the premises to notify the Village and provide appropriate documentation of the
735 change in ownership or tenancy. It is the responsibility of the incoming owner or tenant to
736 submit an application for service to the Village no later than five (5) days after taking possession
737 of the property. Upon receipt of an application for service by the new owner, or a new tenant
738 with the written approval of the owner, the Village will thereupon send any future bills to the
739 new owner or tenant. Any unpaid fees or charges, including deferred rates or charges such as,
740 but not limited to, deferred payment of connection fees or equipment fees, and any interest due
741 thereon, shall not be abated by change of ownership or tenancy, and shall be the responsibility of
742 the incoming owner or tenant. It is the responsibility of the purchaser of the property or the
743 incoming tenant to make due inquiry whether any charges are outstanding for service to the
744 property, and the Village shall have no liability for any failure to make such inquiry.

745
746 (g) *Temporary discontinuance of service charge for unoccupied and closed unit.* If a
747 residential unit or commercial facility has been entirely unoccupied for a period of more than one
748 (1) month, and is reasonably expected to be entirely unoccupied for a continuous period totaling
749 at least three (3) months, the owner may apply for abatement of the commodity charge during the

750 period that the residential unit or commercial facility is unoccupied. The director of public
751 utilities shall inspect the premises, or cause the inspection of the premises, to ensure that the
752 premises are actually unoccupied during the period of abatement. The monthly base charge shall
753 not be abated, and shall be due and payable monthly notwithstanding the fact that the residential
754 unit or commercial facility may be unoccupied.

755

756 **Section 23-33. Termination of service; reconnection.**

757

758 (a) *Termination of service to developed property prohibited.* Wastewater utility
759 service shall not be terminated to any developed property after a service connection has been
760 made to any building or structure on the property.

761

762 (b) *Termination of service if property is no longer developed.* In the event that all
763 buildings or structures for which wastewater utility service would be required are permanently
764 destroyed, abandoned or removed from a property, then upon notice to the Village by the
765 property owner, or upon the determination of the Village without notice, wastewater utility
766 service to the property may be terminated. As a condition for termination, the Village shall
767 require that the septic tank and the service connection, including all appurtenances thereto, shall
768 be excavated, removed and properly disposed of. Any unpaid fees or charges, including deferred
769 rates or charges such as, but not limited to, deferred payment of connection fees or equipment
770 fees, and any interest due thereon, shall remain due and payable and shall be a lien on the
771 property, notwithstanding termination of service.

772

773 (c) *Reconnection of service; reconnection fee.* In the event that service to a property
774 has been terminated and an applicant then seeks service to the property for new development or
775 facilities thereon, renewed service to the property will be provided upon application and payment
776 of a reconnection fee in an amount equal to the connection fee in effect at the time of application.
777 The applicant seeking reconnection shall comply with all requirements applicable for an initial
778 connection to the wastewater utility system, notwithstanding the prior service connection to the
779 property.

780

781 **Section 23-34. Determination of disputes; appeals.**

782

783 (a) *Determination of disputes.* In the event that there is any question or dispute
784 regarding the interpretation of anything contained in this chapter, the determination of such
785 dispute shall be made in the first instance by the director of public utilities. Upon the request of
786 any interested person, the director of public utilities shall make such determination in writing,
787 stating the reasons therefor. A copy of the written determination shall be provided to the Village
788 administrator.

789

790 (b) *Right of appeal.* Any person aggrieved by a decision of the director of public
791 utilities may seek review of the decision by the Mayor. The decision of the Mayor shall be the
792 final executive determination of the matter. Any interested person aggrieved by a decision of the
793 Mayor in connection with any matter relating to the wastewater utility system may appeal to the
794 governing body by submitting a notice of appeal to the Village clerk, together with the applicable
795 filing fee, within twenty (20) days following the date of the decision. The notice of appeal shall

796 set forth specifically wherein it is claimed that there was an error or an abuse of discretion, or
797 wherein the decision appealed from was not supported by substantial evidence. A notice of
798 appeal not timely filed or filed without payment of the applicable fee will not be considered.
799

800 (c) *Hearing.* An appeal duly filed shall be heard by the governing body at a time and
801 place to be determined by the governing body. The appellant and any other interested party
802 known to the Village will be notified of the date, time and place of the hearing at least five (5)
803 days in advance. No public notice other than posting of the agenda will be required for the
804 hearing. The matter will be heard by the governing body *de novo*.
805

806 (d) *Decision.* The governing body may reverse, amend, modify or affirm the decision
807 appealed from. The decision of the governing body is the final decision of the Village on the
808 matter appealed.
809

810 **Section 23-35. Penalties for violation of ordinance; abatement of prohibited conditions.**
811

812 (a) *Penalty for violation of ordinance.* Any person who violates any provision of this
813 chapter shall, upon conviction, be punished in accordance with section 1-6. In the event that any
814 violation continues or is repeated after notice by the Village, each day that the violation
815 continues or is repeated shall be deemed a separate offense.
816

817 (b) *Additional remedies; abatement of prohibited conditions.* The availability of
818 penalties in accordance with Subsection 23-35(a) shall not be construed to limit the authority of
819 the Village to seek additional or other penalties, criminal or civil, or to undertake such actions as
820 the Village deems appropriate and necessary to provide for the health, safety and welfare of the
821 Village and its citizens. The Village may pursue any and all administrative or civil penalties
822 available to it, including but not limited to an administrative order to require abatement of any
823 condition that is injurious to the health, safety or general welfare of the public and to require
824 compliance with any provision of the ordinances of the Village. In addition, the Village may
825 pursue a civil action in any court of competent jurisdiction to require compliance with any
826 federal, state or local law or ordinance or to require the abatement of unsafe, unsanitary, noxious
827 or hazardous conditions.
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(Remainder of page intentionally left blank.)

838
839 SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this
840 Ordinance be held to be invalid or unenforceable for any reason, the invalidity or
841 unenforceability of such section, paragraph, clause or provision shall not affect any of the
842 remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby
843 declares that it would have passed this Ordinance and each section, subsection, sentence, clause,
844 word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses,
845 words or phrases being declared unconstitutional or otherwise invalid.

846
847 COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the
848 Code of Ordinances of the Village of Corrales, as indicated in the Ordinance.

849
850 EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in
851 full force and effect from and after its passage, publication and posting, according to law.

852
853 **PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of
854 Corrales, New Mexico, this _____ day of October, 2012.

855
856 APPROVED:

857
858
859 _____
860 The Honorable Philip Gasteyer
861 Mayor

862
863 ATTEST:

864
865
866 _____
867 Juan J. Reyes
868 Village Clerk

869
870