



VILLAGE OF CORRALES

ORDINANCE NO. 13-002

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4
5 **AN ORDINANCE RELATING TO THE COLLECTION, TRANSPORTATION AND**
6 **DISPOSAL OF LIQUID WASTE IN THE VILLAGE OF CORRALES; DEFINING**
7 **TERMS; CREATING A PUBLIC UTILITIES DEPARTMENT; ESTABLISHING A**
8 **WASTEWATER UTILITY SYSTEM; DESIGNATING WASTEWATER UTILITY**
9 **SERVICE AREAS; PROVIDING FOR SERVICE CONNECTIONS TO THE**
10 **WASTEWATER UTILITY SYSTEM; PROVIDING FOR THE OPERATION,**
11 **INSPECTION, MAINTENANCE AND REPAIR OF THE WASTEWATER UTILITY**
12 **SYSTEM AND SERVICE CONNECTIONS; PROHIBITING CERTAIN DISCHARGES**
13 **AND ACTIVITIES IN CONNECTION WITH LIQUID WASTE AND WASTEWATER**
14 **UTILITY SERVICE; ESTABLISHING A SYSTEM OF RATES AND CHARGES FOR**
15 **WASTEWATER UTILITY SERVICE; PROVIDING FOR LIMITED TERMINATION**
16 **AND RECONNECTION OF WASTEWATER UTILITY SERVICE; AND PROVIDING A**
17 **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 wastewater utility collection and transportation system (the “Wastewater System”) along
28 Corrales Road from Old Church Road southward, connecting with the Albuquerque Bernalillo
29 County Water Utility Authority’s wastewater collection system at a point south of the Village;
30 and
31

32 **WHEREAS**, the Wastewater System is a pressurized system initially designed to collect
33 and transport liquid waste discharged from individual septic tank effluent pumping (STEP) pump
34 systems, but can be managed in such a way as also to collect and transport reasonable amounts of
35 macerated semi-solid waste discharged along with liquid waste from individual grinder pump
36 systems; and
37

38 **WHEREAS**, the Village anticipates and has provided capacity so that the area served by
39 the Wastewater System may in the future be expanded to serve other parts of the Village having
40 a relatively high density of septic systems or other types of wastewater disposal systems
41 discharging to the ground water; and
42

43 **WHEREAS**, the Village Council, the governing body of the Village (“Governing Body”) finds that it is incumbent upon the Village to provide for commencement of wastewater utility
44 service and the continuing operation and maintenance of the Wastewater System; and
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46

47 **WHEREAS**, the Governing Body finds that the Village should adopt appropriate
48 regulations regarding the use of the Wastewater System, consistent with the regulations of
49 ABCWUA as owner and operator of the receiving wastewater utility system and of the publicly
50 operated treatment works that will treat the wastewater prior to its release into the Rio Grande;
51 and

52
53 **WHEREAS**, it is necessary for the Village to recover a reasonable portion of the costs
54 the Village has incurred for the construction of the Wastewater System and also to recover a
55 reasonable portion of the costs it will incur during the start-up and initial phases of wastewater
56 utility service provided by the Wastewater System; and

57
58 **WHEREAS**, both STEP pumping systems and grinder pump systems require the
59 installation of specific types of equipment on service connections of individual wastewater
60 customers, and it is necessary to provide for the proper installation, inspection, maintenance and
61 if necessary repair of the service connections and the equipment included in them; and

62
63 **WHEREAS**, the Governing Body finds and declares that, over the long term, the
64 wastewater utility system should be operated as an enterprise utility of the Village, with the
65 continuing costs of operating and maintaining the wastewater utility system covered by those
66 who utilize the system and benefit from it; and

67
68 **WHEREAS**, the Governing Body finds that it is necessary and appropriate to provide for
69 penalties and for corrective action in the event of improper disposal of wastewater or in the event
70 of damage to or improper use of the Wastewater System.

71
72 **NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Village of
73 Corrales, New Mexico, as follows:

74
75 1. The following material, comprising designated Sections 23-1 through 23-4,
76 inclusive and designated Sections 23-26 through 23-35, inclusive, is hereby adopted by and as an
77 ordinance of the Village.

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83 *(Remainder of page intentionally left blank.)*
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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.

134 *Biological oxygen demand* means the quantity of oxygen utilized in the biochemical oxidation of
135 organic matter by 40 CFR 136 or EPA accepted *Standard Methods* procedures in five (5)
136 days at 20° C, expressed in milligrams per liter.
137

138 *BOD* means biological oxygen demand.
139

140 *CFR* means the Code of Federal Regulations.
141

142 *Chemical oxygen demand* means the oxygen-consuming capacity of organic and inorganic matter
143 present in wastewater by 40 CFR 136 or EPA accepted *Standard Methods* procedures,
144 expressed as milligrams per liter.
145

146 *COD* means chemical oxygen demand.
147

148 *Commercial facility* means a structure that is not a residential unit but which has sewage-
149 producing fixtures such as sinks, baths, showers, toilets, urinals, dish- and clothes-
150 washers or floor drains for receiving liquid waste. The term *commercial facility* includes
151 but is not limited to industrial facilities, retail and wholesale stores, offices, schools,
152 government buildings, churches, synagogues and all other non-residential units
153 generating wastewater.
154

155 *Connection costs* means the reasonably necessary costs of making an operable physical
156 connection from an applicant's wastewater system to the Village's wastewater utility
157 system, including but not necessarily limited to the costs of a grinder pump or STEP
158 pump, pump basin, pump control panel, installed piping, and electrical wiring and
159 connections.
160

161 *Connection fee* means a non-refundable fee charged by the Village to an applicant as a condition
162 for connection or reconnection of the applicant's wastewater system to the Village's
163 wastewater utility system.
164

165 *Corrales Road High Density Area* means all individual properties located adjacent to Corrales
166 Road between Old Church Road on the north and Meadowlark Lane on the south, and
167 including commercial properties at the intersection of Corrales Road and Meadowlark
168 Lane.
169

170 *Customer* means any person or entity that has made a connection to the wastewater utility system
171 or otherwise receives service from the wastewater utility system.
172

173 *Developed*, in connection with real property, refers to any parcel of real property on which is
174 located any residential unit or commercial facility.
175

176 *Director* means the director of public utilities.
177

178 *Environmental Protection Agency* means the Environmental Protection Agency of the United
179 States.

180
181 *EPA* means the Environmental Protection Agency.
182
183 *GPD* or *gpd* means gallons per day.
184
185 *Grinder pump* means a progressing cavity pump or similar type of pump designed to macerate
186 solid and semi-solid materials contained in liquid waste while forcing the liquid waste
187 and macerated materials from an individual wastewater system into the wastewater utility
188 system and providing pressure to assist in the transport of the materials and liquid waste
189 through the wastewater utility system.
190
191 *Large-volume commercial facility* means a commercial facility having a liquid waste design flow
192 rate, or an actual mean liquid waste discharge, exceeding 600 gallons per day.
193
194 *Leach field* means a subsurface system of perforated pipes or similar material by which
195 wastewater from a septic tank is discharged into the soil or earth.
196
197 *Liquid waste* means wastewater in a dominantly liquid state.
198
199 *Liquid waste design flow rate* means the design flow rate of a residential unit or commercial
200 facility determined in accordance with Subsection 23-31(b), or in accordance with
201 Section 20.7.3.201.P, NMAC, as amended and supplemented.
202
203 *New Mexico Environment Department* means the department of environment of the State of New
204 Mexico established by the Environmental Improvement Act (Chapter 74, Article 1,
205 NMSA 1978).
206
207 *NH₃-N* means the concentration of ammoniacal nitrogen in wastewater, measured in milligrams
208 per liter.
209
210 *NMAC* means the New Mexico Administrative Code.
211
212 *NMDOT* means the New Mexico Department of Transportation.
213
214 *NMED* means the New Mexico Environment Department.
215
216 *NMSA 1978* means the New Mexico Statutes Annotated, 1978 edition.
217
218 *pH* means the logarithm to the base ten of the reciprocal of the hydrogen ion activity in solution.
219
220 *POTW* means publicly operated treatment works.
221
222 *Primary service area* means an area within the Village where wastewater utility service is made
223 available by the Village and connection of individual wastewater systems to the
224 wastewater utility is required in order to avoid or minimize wastewater discharges
225 harmful to the quality of ground water.

226
227 *Primary treatment* means a liquid waste treatment process that takes place in a treatment unit
228 such as a septic tank and allows those substances in wastewater that readily settle or float
229 to be separated from the water being treated.
230
231 *Private wastewater disposal system* means a privately owned septic system or other wastewater
232 disposal system not connected to the wastewater utility system or to any other wastewater
233 collection system conveying the wastewater to a POTW.
234
235 *Publicly operated treatment works* means a wastewater treatment plant owned by a governmental
236 agency and, in particular, the wastewater treatment plant owned and operated by the
237 ABCWUA.
238
239 *Residential unit* means a structure that is primarily used for living quarters and does not contain
240 commercial facilities.
241
242 *Septic system* means a wastewater treatment and disposal system including a septic tank as its
243 primary treatment unit and a leach field or equivalent means for disposal of the septic
244 tank effluent.
245
246 *Septic tank* means a liquid waste treatment unit designed to provide primary treatment and
247 anaerobic treatment prior to disposal of wastewater.
248
249 *Septic tank effluent filter* means a filter placed upon the discharge pipe from a septic tank,
250 upstream from the STEP pump, to prevent solid materials from entering the wastewater
251 stream directed to the wastewater utility system; such a filter is mandatory for all service
252 connections to the wastewater utility system.
253
254 *Service availability date* means the date when construction and testing of the wastewater utility
255 system within any primary service area are completed and the wastewater utility system
256 within that primary service area is ready for installation of individual service connections.
257
258 *Service connection or individual service connection* means the piping and equipment necessary
259 to connect the wastewater discharge from the building or buildings on a customer's
260 property to the Village's wastewater utility system.
261
262 *Small-volume commercial facility* means a commercial facility having neither a liquid waste
263 design flow rate nor an actual mean liquid waste discharge exceeding 600 gallons per
264 day.
265
266 *Standard Methods* means the laboratory procedures set forth in the latest EPA-approved edition,
267 at the time of analysis, of *Standard Methods for the Examination of Water and*
268 *Wastewater*, as prepared, approved and published jointly by the American Public Health
269 Association, the American Water Works Association and the Water Environment
270 Federation.
271

272 *STEP pump* means a submersible pump designed for septic tank effluent pumping, a process
273 which consists of forcing the liquid waste effluent from an individual wastewater system
274 that includes a septic tank into the wastewater utility system and providing pressure to
275 assist in the transport of the liquid waste effluent through the wastewater utility system.

276
277 *Village* means the Village of Corrales, New Mexico.

278
279 *Wastewater* means waste from liquid flushing toilets, urinals, kitchen sinks, dishwashers, clothes
280 washing machines, laundry tubs, bathtubs, showers, washbasins, and any other industrial,
281 commercial or residential source of liquid requiring disposal, including solid and semi-
282 solid materials conveyed therewith, but does not include roof drainage or mine or mill
283 tailings.

284
285 *Wastewater utility operator* means a person qualified and certified for the operation of public
286 wastewater facilities in accordance with Part 20.7.4, NMAC.

287
288 *Wastewater utility system* means the wastewater utility collection and transmission system of the
289 Village.

290
291 **Section 23-4. Public utility department.**

292
293 (a) *Department created.* There is hereby created within the executive branch of the
294 Village a public utility department (the “public utility department”). The utility department shall
295 consist of a director of public utilities and such employees as may from time to time be
296 authorized by the governing body to provide for the adequate and efficient management and
297 operation of the Village’s wastewater utility system and any other public utilities that may be
298 owned and operated by the Village.

299
300 (b) *Director of public utilities.* The office of the director of public utilities shall be the
301 administrative position directly responsible for the management and operation of the wastewater
302 utility system and any other public utilities owned and operated by the Village. The director of
303 public utilities shall report directly to the Village administrator. The position of director of
304 public utilities shall be filled by a qualified full-time or part-time person as and when needed to
305 provide for efficient utility operations. The position of director of public utilities may for
306 administrative purposes be combined with another appropriate administrative position, with one
307 person serving in the combined capacity. If no director of public utilities has been appointed or
308 if the position becomes vacant, the administrator shall act as director of public utilities until the
309 position has been filled.

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312 **ARTICLE II. WASTEWATER UTILITY SERVICE**

313
314 **Section 23-26. Wastewater utility system.**

315
316 (a) *Establishment.* The Village wastewater utility system is established for the
317 purpose of protecting the health, safety and welfare of the residents and property owners of the

318 Village and to protect the quality of the water supply for the Village and its residents and
319 property owners.

320
321 (b) *Nature of wastewater utility service.* The Village wastewater utility system is a
322 pressure system, capable of accepting and transporting liquid waste and limited quantities of
323 macerated solid and semi-solid materials. The volume or density and weight of solid or semi-
324 solid materials permitted to be discharged into the wastewater utility system may be limited by
325 the Village either as a condition for approval of an application, or from time to time as a
326 condition for discharge of wastewater by a customer to the wastewater utility system. Such
327 limitations shall be based on recommendations made to the Village by a qualified and licensed
328 engineer or wastewater utility operator.

329
330 (c) *Primary service areas.* Wastewater utility service shall initially be available to
331 properties within the Corrales Road High Density Area. Wastewater utility service may be
332 expanded and made available in other primary service areas as determined to be necessary and
333 appropriate by the governing body, and dependent upon the availability of funding and other
334 resources necessary to provide the service.

335
336 (d) *Responsibility.* Management, operation and maintenance of the Village's
337 wastewater utility system shall be the responsibility of the utility department, subject to the
338 supervision and control of the Village Administrator and the Mayor. Responsibility for utility
339 accounting and the billing and collection of wastewater connection fees, user fees and other
340 charges shall be as determined by the Village Administrator with the approval of the Mayor.

341
342 **Section 23-27. Wastewater service availability; mandatory and optional connection.**

343
344 (a) *Corrales Road High Density Area.* Upon completion and testing of the initial
345 wastewater utility system serving the Corrales Road High Density Area, the Village
346 administration will determine and publicize the service availability date. The Village will also
347 notify individual property owners within the Corrales Road High Density Area of the service
348 availability date and of the opportunity and obligation of property owners to connect to the
349 wastewater utility system.

350
351 (b) *Other primary service areas.* Upon completion of a wastewater utility system
352 expansion into any new primary service area, the governing body shall determine, publicize and
353 cause the property owners within the new primary service area to be notified of the service
354 availability date for such primary service area, and the owners of each developed lot or parcel
355 within the primary service area shall be required to connect to the wastewater utility system in
356 accordance with the schedule set forth in Subsection 23-27(c), or such other schedule as the
357 governing body may establish for the new primary service area.

358
359 (c) *Connection requirement.* The owner of each developed lot or parcel of real
360 property within the Corrales Road High Density Area may connect to the wastewater utility
361 system at any time after the service availability date, and in any event shall cause every building
362 or facility on such lot or parcel that is a source of liquid waste to be connected to the wastewater
363 utility system no later than the first to occur of the following:

- 364
365 (1) Large-volume commercial facilities shall connect no later than six (6) months
366 following the service availability date;
367
- 368 (2) Small-volume commercial facilities shall connect no later than one (1) year
369 following the service availability date;
370
- 371 (3) Residential units shall connect no later than three (3) years following the service
372 availability date;
373
- 374 (4) Any newly constructed commercial facility or residential unit shall connect
375 immediately, such connection being a condition for issuance of a certificate of
376 occupancy;
377
- 378 (5) Any existing commercial facility or residential unit that is remodeled, repaired or
379 expanded in such manner that the existing wastewater disposal system would
380 have to be expanded under NMED regulations shall connect to the wastewater
381 utility system immediately, and such connection shall serve the entire commercial
382 facility or residential unit and shall be a condition for issuance of a certificate of
383 occupancy; and
384
- 385 (6) If any existing private wastewater disposal system has failed and would require
386 repair or replacement as determined by NMED, the facility or residential unit
387 served by such system shall connect to the wastewater utility system immediately,
388 and repair or replacement of the existing system shall be required only to the
389 extent necessary to support wastewater utility service by the wastewater utility
390 system (e.g., replacement of the septic tank if required).
391
- 392 (d) *Temporary waiver for residential units.* The owner of a residential unit in a
393 primary service area may submit a request to the Village seeking a waiver of the requirement to
394 connect to the wastewater utility system. The request must be submitted to the Village no later
395 than three (3) months prior to the date when connection to the wastewater utility system is
396 required in accordance with the foregoing Subsection 23-27(c), and shall be accompanied by
397 documentation establishing that the residential unit is served by an existing wastewater treatment
398 and disposal system (septic system or advanced treatment system) that is (i) permitted by
399 NMED; and (ii) in full compliance with all NMED standards for the design, construction,
400 operation and maintenance of the existing system as of the date of the request for waiver. If the
401 Village determines that the existing system meets the standards set forth in this Subparagraph,
402 then the Village will, in writing, grant a waiver from the requirement to connect to the
403 wastewater utility system for a period of three (3) years from the date when connection would
404 otherwise be required. The waiver may be renewed for additional periods of no more than three
405 (3) years upon renewed request of the owner consistent with the requirements of this
406 Subparagraph.
407
- 408 (e) *Private wastewater disposal systems prohibited.* It is prohibited for any person or
409 entity to construct or install a private wastewater disposal system, not connected to the

410 wastewater utility system, or to construct or install a leach field for a private wastewater disposal
411 system within any primary service area after the service availability date for such primary service
412 area.

413
414 (f) *Properties not within a primary service area.* Applicants whose properties are
415 not located within a primary service area but are within reasonable proximity of a wastewater
416 transmission line (e.g., residents with properties near Corrales Road south of the Corrales Road
417 High Density Area) will be permitted to connect to the wastewater utility system and become
418 customers, under the same terms and conditions as customers within a primary service area,
419 provided that adequate capacity and infrastructure exists to support the requested service.

420
421 **Section 23-28. Service connections.**

422
423 (a) *Connection points.* Every wastewater utility system service connection shall be
424 made to an installed sewer service connection point designated by the Village.

425
426 (b) *Options for wastewater utility system connections.* An applicant for wastewater
427 utility system service may request any one of three options for installation of the service
428 connection and necessary equipment on applicant's property: (i) **Option A:** Either grinder pump
429 or STEP pump system installed and maintained by the applicant; (ii) **Option B:** Grinder pump
430 system partially installed and maintained by the Village; or (iii) **Option C:** STEP pump system
431 partially installed and maintained by the Village. The Village will permit the type of system
432 requested to the extent possible, taking into account design and operational constraints of the
433 wastewater utility system.

434
435 (c) *Application for service.* Each applicant for wastewater utility system service shall
436 submit to the Village an application for such service on a form provided by the Village,
437 providing the applicant's name, service address, mailing address, telephone number, the nature
438 of the commercial facility or residential unit to be served, the type of service connection
439 requested (Option A, Option B or Option C), and any other information needed for the Village to
440 review the application. The application shall be accompanied by full payment of the connection
441 fee. The Village shall promptly notify the applicant if any information is incomplete or if
442 additional information is needed for review of the application for service.

443
444 (d) *Option A requirements.* If the applicant requests service under Option A (system
445 installed by applicant), the application for service shall also be accompanied by a design drawing
446 or drawings showing the entire proposed service connection, including all piping, STEP pump or
447 grinder pump and pump basin, septic tank (if any) and other process tanks, grease traps and
448 sediment traps if any, control panels, and other fixtures and installations for the service
449 connection, along with a narrative statement of the applicant's operations and maintenance plans
450 for the service connection. The director or the director's designee will promptly review the
451 application for service and accompanying documents and approve or disapprove the proposed
452 service connection. If the proposed service connection is disapproved, the director shall state the
453 specific deficiencies resulting in disapproval and provide guidance for correcting the
454 deficiencies. The applicant may then submit an amended application or amended materials in
455 support of the application, without payment of an additional fee. **Approval of the proposed**

456 service connection by the director does not constitute approval of plans or construction
457 under the Village's building code or under regulations of the State of New Mexico. It is the
458 responsibility of the applicant to obtain all necessary building permits, excavation permits
459 and other permits including, if necessary, a permit from NMDOT for construction in the
460 Corrales Road right of way. Applicant shall also inform the director at least three (3) days
461 in advance of the date when construction will commence and of the date when connection
462 to the wastewater utility system will be made at the sewer service connection point.

463 Connection of the service connection at the sewer service connection point shall be subject to
464 inspection and approval by the director or the director's designee, and shall not be covered up or
465 concealed until the inspection has been completed.

466
467 (e) **Option B requirements.** If the applicant requests service under Option B (grinder
468 pump system partially installed and maintained by the Village), then upon Village receipt of the
469 application and connection fee the applicant and the Village shall proceed as follows:

470
471 (1) Director or director's designee will review the application and advise the
472 applicant if any additional information is needed.

473
474 (2) Director or director's designee will meet with applicant on site to select and mark
475 agreed-upon locations for the grinder pump basin and control panel.

476
477 (3) Applicant will execute an easement agreement in favor of the Village to provide
478 access for construction, operation and maintenance of the service connection.
479 **Execution of the easement agreement is a required condition before the**
480 **Village can proceed further with the application.**

481
482 (4) Director or director's designee will prepare design drawings and a cost estimate
483 for Village construction and installation of: Grinder pump and pump basin,
484 control panel and wiring between control panel and grinder pump, buried gravity
485 wastewater transmission line connecting existing wastewater discharge line to the
486 grinder pump basin, and pressurized discharge line connecting grinder pump to
487 sewer service connection point. If there are multiple buildings or wastewater
488 discharge pipes on the property, applicant shall be responsible for connecting
489 them into a single discharge pipe for connection to the Village-constructed service
490 connection.

491
492 (5) Design drawings and cost estimate will be provided to applicant for review and
493 approval. Upon approval, applicant will be required to execute an agreement to
494 repay the Village's actual costs for materials and construction, either upon
495 completion or in accordance with a payment plan as provided in Subsection
496 23-31(c). If applicant refuses to approve the design drawings and cost estimate,
497 without good cause for such refusal, or refuses to execute the required repayment
498 agreement, the applicant will be required to proceed with design, construction,
499 operation and maintenance of the service connection in accordance with Option A
500 and shall be required to reimburse the Village's actual costs for preparation of the
501 design drawings and cost estimate. See Subsection 23-28(d).

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- (6) Director or director’s designee will schedule construction and installation of the service connection in cooperation with applicant. **Applicant must make arrangements for connection of the control panel to an appropriate electrical service drop, which work must be performed by a licensed electrician.**

- (7) Upon completion of construction and connection of electrical service, the final connection between the previous wastewater discharge system and the new service connection will be made, and the Village will assume responsibility for operation and maintenance of the grinder pump and other facilities installed by the Village. Billing of the customer for wastewater service will also commence on this connection date.

- (8) **Customer shall then remove or close in place the previous septic tank, leach field, cesspool, or other previous liquid waste management system.** Customer is responsible for all costs and requirements of closure, including NMED reporting and approvals as necessary.

- (f) *Option C requirements.* If the applicant requests service under Option C (STEP pump system partially installed and maintained by the Village), then upon Village receipt of the application and connection fee the applicant and the Village shall proceed as follows:
 - (1) Director or director’s designee will review the application and advise the applicant if any additional information is needed. For Option C, the application must include documentation of either (i) an existing septic tank that is licensed by NMED and in full compliance with NMED regulations at the time of the application, or (ii) design drawings and specifications for a planned septic tank to be installed by applicant, at applicant’s expense, in conjunction with the installation and construction of the service connection.

 - (2) Director or director’s designee will meet with applicant on site to select and mark agreed-upon locations for the STEP pump basin, new septic tank (if any), and control panel.

 - (3) Applicant will execute an easement agreement in favor of the Village to provide access for construction, operation and maintenance of the service connection. **Execution of the easement agreement is a required condition before the Village can proceed further with the application.**

 - (4) Director or director’s designee will prepare design drawings and a cost estimate for Village construction and installation of: STEP pump and pump basin, control panel and wiring between control panel and STEP pump, buried gravity wastewater transmission line connecting discharge line from existing or new septic tank to the STEP pump basin, and pressurized discharge line connecting STEP pump to sewer service connection point.

- 548 (5) Design drawings and cost estimate will be provided to applicant for review and
549 approval. Upon approval, applicant will be required to execute an agreement to
550 repay the Village's actual costs for materials and construction, either upon
551 completion or in accordance with a payment plan as provided in Subsection
552 23-31(c). If applicant refuses to approve the design drawings and cost estimate,
553 without good cause for such refusal, or refuses to execute the required repayment
554 agreement, the applicant will be required to proceed with design, construction,
555 operation and maintenance of the service connection in accordance with Option A
556 and shall be required to reimburse the Village's actual costs for preparation of the
557 design drawings and cost estimate. *See* Subsection 23-28(d). *See* Subsection 23-
558 28(d).
559
- 560 (6) Director or director's designee will schedule construction and installation of the
561 service connection in cooperation with applicant. **Applicant must make**
562 **arrangements for connection of the control panel to an appropriate electrical**
563 **service drop, which work must be performed by a licensed electrician.**
564
- 565 (7) Upon completion of construction, installation of new septic tank (if required) and
566 connection of electrical service, the final connection between the septic tank and
567 the STEP pump will be made, including disconnection of any existing leach field
568 from the system, and the Village will assume responsibility for operation and
569 maintenance of the STEP pump and other facilities installed by the Village.
570 Billing of the customer for wastewater service will also commence on this
571 connection date.
572
- 573 (8) The Village will also provide monthly inspection and cleaning of filters necessary
574 for STEP pump operation. Cleaning of filters requires access to the septic tank to
575 provide a location for discharge of wash water used to clean the filters.
576 **Customer shall ensure that there is unobstructed access to the STEP pump**
577 **and to the septic tank during all daylight hours.**
578
- 579 (9) The Village will periodically inspect the septic tank to determine whether
580 pumping of sludge from the tank is needed, and if so will arrange for pumping of
581 the septic tank. The actual cost of pumping sludge from the septic tank will be
582 added to the customer's wastewater bill, and will be payable over a period of four
583 (4) months.
584
- 585 (g) *Sand traps and grease traps.* Sand traps or grease traps may be required for
586 schools, restaurants, and certain other commercial or public buildings to prevent accumulated
587 grease, oil, sand or mud from collecting in the grinder pump or STEP pump basin and from
588 being transmitted into the wastewater utility system. The Village will evaluate the need for sand
589 traps or grease traps on a case-by-case basis and notify the applicant or customer if they are
590 required. Where required, the Village shall have authority to inspect sand traps and grease traps
591 at appropriate times during regular business hours and in the event of an emergency, to ensure
592 that they are correctly installed and operating properly.
593

594 (h) *Disconnection of existing leach field or other on-site disposal facility.* Where the
595 service connection to the wastewater utility system replaces an existing septic system with a
596 leach field and the septic tank remains in place, the leach field shall be disconnected from the
597 septic tank and the pipe to the leach field shall be capped when connection to the wastewater
598 utility system is completed. The customer or contractor shall provide written notice to the
599 Village and NMED that the leach field is disconnected and the pipe is capped. If the service
600 connection replaces an existing septic tank, the septic tank shall be removed or closed in place as
601 provided in Subsection 23-28(e)(8). If the connection to the wastewater utility system replaces
602 any other type of on-site disposal system, such as an advanced treatment system or a constructed
603 wetland disposal facility, such on-site disposal system shall be disconnected in an appropriate
604 manner within thirty (30) days after connection to the wastewater utility system is completed,
605 and written notice shall be provided to the Village and NMED.

606

607 **Section 23-29. Continuing responsibilities.**

608

609 (a) *Customer's continuing responsibilities.* Following installation of the service
610 connection and during all periods that wastewater service is provided, the customer has a
611 continuing responsibility to ensure that property conditions remain suitable for operation,
612 maintenance, and if necessary repair of the service connection. Specific customer
613 responsibilities include:

614

615 (1) Avoiding and preventing damage to the grinder pump or STEP pump unit, control
616 panel, and all wastewater lines, both pressurized and unpressurized;

617

618 (2) Monitoring the unit's alarm device and notifying the Village promptly of all
619 alarms;

620

621 (3) Providing electricity for the operation of the grinder pump or STEP pump unit
622 and maintaining customer-owned wiring up to the control panel;

623

624 (4) Maintaining reasonably open access to the service connection and, in particular,
625 the grinder pump or STEP pump and pump basin so that the Village or its
626 contractor may perform necessary inspections, maintenance and repairs;

627

628 (5) Maintaining site grading, drainage and irrigation so that surface water does not
629 accumulate within four (4) feet of the grinder pump or STEP pump unit;

630

631 (6) Maintaining landscaping so that the grinder pump or STEP pump unit and the
632 control panel are easily visible and accessible;

633

634 (7) Replacing or restoring any fencing, ground surface material and any other
635 customer owned improvements that are necessarily removed or altered in the
636 course of inspection, maintenance and repair of any portion of the service
637 connection, including but not limited to the grinder pump or STEP pump unit and
638 the control panel;

639

640 (8) Maintaining and as necessary cleaning any sand or grease traps to ensure that
641 damaging materials are not introduced into the wastewater utility system; and
642

643 (9) Timely payment of all amounts owed for installation and continuing operation of
644 the wastewater utility service.
645

646 (b) *Village's continuing responsibilities.* The Village shall have the continuing
647 responsibility to provide for the operation and maintenance of the wastewater utility system,
648 including those portions of the service connection that have been constructed and installed by the
649 Village and are subject to maintenance and operation by the Village as provided in this Chapter.
650

651 (c) *Alteration or removal of components prohibited.* Alteration or removal of any
652 wastewater service connection components without the prior approval of the Village is strictly
653 prohibited. Any person who knowingly discharges wastewater to the wastewater utility system
654 in violation of this Subsection shall be punishable in accordance with Section 23-33.
655

656 (d) *Customer obligation to provide electric power.* The customer shall provide
657 continuous and uninterrupted electrical power for operation of the STEP pump or grinder pump
658 and any appurtenances, except only for electrical service outages or failures beyond customer's
659 control.
660

661 (e) *Right to enter, inspect and make emergency repairs.* In addition to entry rights
662 granted by easements executed by customers under service connection Option B and Option C,
663 the Village and its officers, employees, agents and representatives, upon reasonable notice or
664 without notice in the event of an emergency, shall have authority to enter upon private lands for
665 the purpose of inspecting any portion of the wastewater utility system and the service
666 connections thereto and making any corrections or repairs that are necessary in the event of
667 emergency to avoid, prevent or mitigate damages to the wastewater utility system or disruption
668 of wastewater utility services. In the event that emergency repairs or modifications of a
669 customer's wastewater service connection are necessary to ensure the integrity and satisfactory
670 operation of the wastewater utility system and the customer does not promptly take appropriate
671 steps to effect such repairs or modifications, then the Village may make the necessary repairs or
672 modifications and the customer shall be liable to the Village for the Village's costs incurred.
673

674 **Section 23-30. Prohibited discharges and activities.** 675

676 (a) *Prohibited pollutants.* No person shall discharge or permit the discharge into the
677 wastewater utility system of any of the following pollutants which acting alone or in conjunction
678 with other substances present in the wastewater could interfere with the operation of the POTW:
679

- 680 (1) Pollutants which could create a fire or explosion hazard in the POTW, including
681 but not limited to waste streams with a closed-cup flashpoint of less than 140° F
682 (60° C) using the test methods specified in 40 CFR 261.21;
- 683 (2) Pollutants which could cause corrosive structural damage to the POTW, but in no
684 case discharges with a pH lower than 5.0 or higher than 11.5;

- 685 (3) Solid or viscous pollutants of any sort, including grease, wax or similar materials
686 which could clog the STEP wastewater lines;
- 687 (4) Any pollutant which could cause interference in the POTW or individual unit
688 operations of the POTW, including oxygen demand pollutants (BOD, COD,
689 NH₃-N and like materials) released in a discharge at a flow rate or concentration
690 which could cause interference in the POTW or individual unit operations;
- 691 (5) Heat in amounts which will inhibit biological activity in the POTW resulting in
692 interference, but in no case heat in such quantities that the temperature at the
693 POTW influent exceeds 104° F (40° C) or the temperature of the discharge into
694 the wastewater utility system exceeds 140° F (60° C);
- 695 (6) Petroleum oil, cutting oil, or products of mineral oil origin, in any amount;
- 696 (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the
697 POTW in a quantity that may cause worker health or safety problems, as
698 determined by ABCWUA;
- 699 (8) Trucked or hauled pollutants of any sort or in any quantity;
- 700 (9) Noxious or malodorous liquids, gases or other wastewater which, either singly or
701 by interaction with other wastes, are sufficient to create a public nuisance or a
702 hazard to life, safety or health, or the pollution of waters receiving discharge from
703 the POTW;
- 704 (10) Wastewater which imparts color which cannot be removed by the treatment
705 process such as, but not limited to, dye wastes and vegetable tanning solutions;
- 706 (11) Storm water, surface water, ground water, roof runoff, subsurface drainage,
707 swimming pool drainage, condensate, deionized water, and noncontact cooling
708 water, unless specifically authorized by ABCWUA and the Village;
- 709 (12) Sludges, screenings or other residues from the pretreatment of industrial waste;
- 710 (13) Medical wastes;
- 711 (14) Wastewater which, alone or in conjunction with other sources, could cause the
712 POTW's effluent to fail a NPDES toxicity test;
- 713 (15) Detergents, surface-active agents, or similar substances in quantities which could
714 cause excessive foaming in the wastewater utility system or the POTW;
- 715 (16) Fats, oils or greases of animal or vegetable origin;
- 716 (17) Persistent pesticides or herbicides, such as but not limited to dieldrin, aldrin,
717 chlordane, endrin, heptachlor, toxaphene, lindane, dioxin, benzene hexachloride
718 (BHC) and polychlorinated biphenyls (PCBs), or any other toxic refractory
719 organic chemicals;
- 720 (18) Radioactive waste of any sort;
- 721 (19) Dental amalgam; or
- 722 (20) Any pollutant which would result in a violation of any statute, rule, regulation or
723 ordinance of the Village, ABCWUA or any public agency, including discharges
724 prohibited by EPA.

725
726 (b) *Pollutant concentration limitations.* No person shall discharge or permit the
727 discharge into the wastewater utility system of any of the following pollutants at a concentration
728 in excess of that set forth in the table below or any different concentration of such pollutant that
729 may be established by ABCWUA's Sewer Use and Wastewater Control Ordinance on or after
730 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

732 * Total benzene, toluene, ethylbenzene and xylenes.

733

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

740

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

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

754

755 **Section 23-31. Rates, fees and charges for wastewater service.**

756

757 (a) *Imposition of fees and charges.* The Village shall impose reasonable and
758 appropriate rates, fees and charges for wastewater utility system service to customers. The
759 amount of the rates, fees and charges shall be established and may be amended periodically by
760 resolution of the governing body. Rates, fees and charges for each class of customer shall be set
761 at just and equitable rates, sufficient in the aggregate to meet the Village's costs of establishing
762 and operating the wastewater utility system, except to the extent, if any, that the governing body
763 shall by resolution specifically provide funding for the wastewater utility system from other
764 sources of funds.

765

766 (b) *Customer classes.* Rates, fees and charges shall be determined based on three
767 classes of customers:

768

769 (1) Residential units. Where a single service connection serves multiple residential
770 units, rates, fees and charges shall be based on the actual number of residential
771 units served.

772

773 (2) Small-volume commercial facilities.

774

775 (3) Large-volume commercial facilities.

776

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

786

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

788

789 (1) *Connection fee.* The connection fee shall be paid when the customer makes
790 application for wastewater service.

791

792 (2) *Costs of service connection construction and installation.* Except as otherwise
793 expressly provided in this Subparagraph, the customer shall reimburse the Village
794 for the entire cost of the service connection, including equipment, construction,

795 and other necessary costs such as, but not limited to, permits and inspection fees.
 796 Customer shall pay the Village at least twenty percent (20%) of the estimated
 797 service connection cost before construction begins, and the remaining cost of the
 798 service connection (whether greater, less than or equal to the original estimate)
 799 may be paid in monthly installments over a period not to exceed eighteen (18)
 800 months after completion of the service connection for commercial facilities, and
 801 not to exceed thirty-six (36) months for residential units, without interest. In the
 802 event that the actual cost of the service connection exceeds the original estimate
 803 by more than twenty percent (20%) through no fault of the customer, the customer
 804 shall not be required to reimburse the Village for the amount in excess of one
 805 hundred twenty percent (120%) of the original estimate. For purposes of this
 806 Subsection, "fault of the customer" shall include, without limitation, incorrect
 807 information supplied by the customer or failure by the customer to provide
 808 relevant information known to the customer and not apparent on inspection of the
 809 premises.

- 810
 811 (3) *Wastewater service charges.* Monthly charges for wastewater service shall be as
 812 established by resolution of the governing body, and will include both a monthly
 813 base charge and a commodity charge, which may be based on the liquid waste
 814 design flow rate for the facility served. For large-volume commercial facilities,
 815 the liquid waste design flow rate shall be determined in accordance with the
 816 following table, as set forth in Section 20.7.3.201 NMAC, or with any revision,
 817 amendment or supplementation thereof subsequently adopted by NMED.
 818

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 With flush toilets, no showers Day camp (no meals served) Summer and seasonal	35 per person 25 per person 15 per person 50 per person
6. Churches (sanctuary) With kitchen waste	2 per seat 7 per seat
7. Dance hall	5 per person
8. Doctor or dentist office Add	250 per practitioner 15 per employee
9. Factories (per 8-hour shift): No showers With showers Cafeteria, add	25 per employee 35 per employee 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	40 per 100 sq. ft. floor space
Add for bakery	40 per 100 sq. ft. floor space
Add for meat department	75 per 100 sq. ft. floor space
Add per public restroom	200
11. Hotels, motels, lodges (Laundries, lounges and restaurants calculated separately)	60 per bed
12. Institutions (resident)	75 per person
Nursing homes	125 per person
Rest homes	125 per person
13. Laundries	50 per wash cycle
Self-service (minimum 10 hours/day)	Per manufacturer's specifications
Commercial	
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	75 per space
With water and sewage hookup	100 per space
RV dump station	50 per RV
17. Schools – Staff and office	20 per person
Elementary and day care	15 per student
Intermediate and high	20 per student
Boarding, total waste	100 per person
Gym and showers, add	5 per student
With cafeteria, add	3 per student
18. Service station or convenience store	400 per toilet
Uni-sex restrooms	800 per toilet
19. Stores	20 per employee
Public restrooms	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	5 per seat
Drive-ins	10 per space
22. Veterinary clinic	250 per practitioner

Add	15 per employee
Add	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 large-volume commercial facility may request that the Village permit installation of a totalizing flow meter on the wastewater service connection between the STEP pump or grinder pump and the connection to the wastewater utility system, which totalizing meter will be acquired and installed entirely at the customer’s expense. The make and model of the flow meter and the design of the installation shall be approved by the Village utility department prior to installation. After installation, the Village will cause the flow meter to be read monthly, and the commodity charge shall be based on meter readings so long as the meter is fully functional and operating properly. Flow meter readings shall not be used as a basis to change the rate class or monthly base charge, which shall in all cases be based on the liquid waste design flow rate, but may qualify the customer for a lower commodity charge based on the measured wastewater volume. Necessary service, maintenance, repair and, if necessary, replacement of the flow meter shall be the responsibility of the customer.

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

- (1) Costs associated with sampling, analyzing and evaluating the customer’s waste water and the effect of such waste water on the wastewater utility system when such waste water is found to contain prohibited pollutants, and thereafter for verification of compliance with this chapter as the director of public utilities deems appropriate.
- (2) Costs associated with repairing or replacing components of the wastewater utility system that are damaged or destroyed by the actions of the customer or by any of customer’s wastewater discharged to the wastewater utility system.
- (3) Costs beyond routine inspections associated with verifying compliance with the inspection, pumping and maintenance requirements for septic tanks, grease traps, sand traps and wastewater service connections as set forth in this chapter.
- (4) Costs incurred for emergency correction or repair of a customer-installed and maintained (Option A) wastewater service connection as provided in Subsection 23-29(e).
- (5) Any other costs incurred to enforce the provisions of this chapter, including legal costs and attorney fees.

863 **Section 23-32. Responsibility for payment of rates and charges.**
864

865 (a) *Responsibility for payment.* Payment of all rates, fees and charges for wastewater
866 utility service is the responsibility of the owner of the property served, notwithstanding any
867 statement to the contrary in any lease, tenancy or land use agreement. Rates, fees and charges
868 for wastewater service shall, until fully paid, be a lien upon the property served.
869

870 (b) *Billing.* Wastewater service fees and charges shall be determined and bills for
871 services shall be based on a monthly billing period, which shall not necessarily be a calendar
872 month. Monthly fees and charges shall be due without prorating for any portion of a month or
873 monthly billing period during which service was provided. Bills will be sent monthly as soon as
874 reasonably feasible after the end of the billing period.
875

876 (c) *Payments due; delinquencies and arrears.* Bills for wastewater utility services
877 are due and payable upon receipt. Any bill not paid within thirty (30) calendar days after it is
878 sent shall be deemed delinquent and shall be subject to interest at the rate of twelve percent
879 (12%) per annum, compounded monthly. Interest shall be imposed upon all payments in arrears,
880 whether for wastewater service charges, connection fees, construction and installation charges, or
881 any other charges or fees due on the account.
882

883 (d) *Lien on property served; enforcement of lien.* All rates and fees for wastewater
884 utility service, including interest on overdue charges, shall until paid be a lien on the real
885 property served, enforceable in accordance with Section 3-26-2 and Sections 3-36-1 through
886 3-36-7, inclusive, NMSA 1978. In the event that any amount billed for wastewater utility service
887 remains unpaid three (3) months after the billing date, the Village clerk may file a notice of lien
888 as provided in Section 3-36-1, NMSA 1978, and other applicable law, and shall thereupon
889 impose a fee of five hundred dollars (\$500.00) to reimburse the Village's costs to impose and, if
890 necessary, enforce the lien.
891

892 (e) *Enforcement of lien.* A lien for non-payment of wastewater utility service fees
893 and charges may be enforced by the Village by foreclosure or as otherwise provided by law. In
894 the event that legal action is necessary to enforce a lien, the Village will seek recovery of its
895 costs and attorney fees incurred for enforcement of the lien, in accordance with Section
896 3-36-4(B), NMSA 1978.
897

898 (f) *Change of ownership.* Upon the sale of any property served by the Village's
899 wastewater utility system, it is the responsibility of the owner leaving the premises to notify the
900 Village and provide appropriate documentation of the change in ownership. It is the
901 responsibility of the incoming owner to submit an application for service to the Village no later
902 than five (5) days after taking possession of the property. Upon receipt of an application for
903 service by the new owner, the Village will thereupon direct any future bills to the new owner.
904 Any unpaid fees or charges, including deferred rates or charges such as, but not limited to,
905 deferred payment of construction costs, and any interest due thereon, shall not be abated by
906 change of ownership, and shall be the responsibility of the incoming owner. It is the
907 responsibility of the purchaser of the property to make due inquiry whether any charges are

908 outstanding for service to the property, and the Village shall have no liability for any failure to
909 make such inquiry.

910
911 (g) *Temporary discontinuance of service charge for unoccupied and closed unit.* If a
912 residential unit or commercial facility has been entirely unoccupied for a period of more than one
913 (1) month, and is reasonably expected to be entirely unoccupied for a continuous period totaling
914 at least three (3) months, the owner may apply for abatement of the commodity charge during the
915 period that the residential unit or commercial facility is unoccupied. The director of public
916 utilities shall inspect the premises, or cause the inspection of the premises, to ensure that the
917 premises are actually unoccupied during the period of abatement. The monthly base charge shall
918 not be abated, and shall be due and payable monthly notwithstanding the fact that the residential
919 unit or commercial facility may be unoccupied.

920
921 **Section 23-33. Termination of service; reconnection.**

922
923 (a) *Termination of service to developed property prohibited.* Wastewater utility
924 service shall not be terminated to any developed property after a service connection has been
925 made to any building or structure on the property.

926
927 (b) *Termination of service if property is no longer developed.* In the event that all
928 buildings or structures for which wastewater utility service would be required are permanently
929 destroyed, abandoned or removed from a property, then upon notice to the Village by the
930 property owner, or upon the determination of the Village without notice, wastewater utility
931 service to the property may be terminated and the Village may disconnect and remove the
932 Village-owned portion of the service connection. Any unpaid fees or charges, including deferred
933 rates or charges such as, but not limited to, deferred payment of connection costs, and any
934 interest due thereon, shall remain due and payable and shall be a lien on the property,
935 notwithstanding termination of service.

936
937 (c) *Reconnection of service; reconnection fee.* In the event that service to a property
938 has been terminated and an applicant then seeks service to the property for new development or
939 facilities thereon, renewed service to the property will be provided upon application and payment
940 of a reconnection fee in an amount equal to the connection fee in effect at the time of application.
941 The applicant seeking reconnection shall comply with all requirements applicable for an initial
942 connection to the wastewater utility system, notwithstanding the prior service connection to the
943 property.

944
945 **Section 23-34. Determination of disputes; appeals.**

946
947 (a) *Determination of disputes.* In the event that there is any question or dispute
948 regarding the interpretation of anything contained in this chapter, the determination of such
949 dispute shall be made in the first instance by the director of public utilities. Upon the request of
950 any interested person, the director of public utilities shall make such determination in writing,
951 stating the reasons therefor. A copy of the written determination shall be provided to the Village
952 administrator.

953

954 (b) *Right of appeal.* Any person aggrieved by a decision of the director of public
955 utilities may seek review of the decision by the Mayor. The decision of the Mayor shall be the
956 final executive determination of the matter. Any interested person aggrieved by a decision of the
957 Mayor in connection with any matter relating to the wastewater utility system may appeal to the
958 governing body by submitting a notice of appeal to the Village clerk, together with the applicable
959 filing fee, within twenty (20) days following the date of the decision. The notice of appeal shall
960 set forth specifically wherein it is claimed that there was an error or an abuse of discretion, or
961 wherein the decision appealed from was not supported by substantial evidence. A notice of
962 appeal not timely filed or filed without payment of the applicable fee will not be considered.
963

964 (c) *Hearing.* An appeal duly filed shall be heard by the governing body at a time and
965 place to be determined by the governing body. The appellant and any other interested party
966 known to the Village will be notified of the date, time and place of the hearing at least five (5)
967 days in advance. No public notice other than posting of the agenda will be required for the
968 hearing. The matter will be heard by the governing body *de novo*.
969

970 (d) *Decision.* The governing body may reverse, amend, modify or affirm the decision
971 appealed from. The decision of the governing body is the final decision of the Village on the
972 matter appealed.
973

974 **Section 23-35. Penalties for violation of ordinance; abatement of prohibited conditions.**
975

976 (a) *Penalty for violation of ordinance.* Any person who violates any provision of this
977 chapter shall, upon conviction, be punished in accordance with section 1-6. In the event that any
978 violation continues or is repeated after notice by the Village, each day that the violation
979 continues or is repeated shall be deemed a separate offense.
980

981 (b) *Additional remedies; abatement of prohibited conditions.* The availability of
982 penalties in accordance with Subsection 23-35(a) shall not be construed to limit the authority of
983 the Village to seek additional or other penalties, criminal or civil, or to undertake such actions as
984 the Village deems appropriate and necessary to provide for the health, safety and welfare of the
985 Village and its citizens. The Village may pursue any and all administrative or civil penalties
986 available to it, including but not limited to an administrative order to require abatement of any
987 condition that is injurious to the health, safety or general welfare of the public and to require
988 compliance with any provision of the ordinances of the Village. In addition, the Village may
989 pursue a civil action in any court of competent jurisdiction to require compliance with any
990 federal, state or local law or ordinance or to require the abatement of unsafe, unsanitary, noxious
991 or hazardous conditions.
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995 (Remainder of page intentionally left blank.)
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1000 SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this
1001 Ordinance be held to be invalid or unenforceable for any reason, the invalidity or
1002 unenforceability of such section, paragraph, clause or provision shall not affect any of the
1003 remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby
1004 declares that it would have passed this Ordinance and each section, subsection, sentence, clause,
1005 word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses,
1006 words or phrases being declared unconstitutional or otherwise invalid.

1007
1008 COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the
1009 Code of Ordinances of the Village of Corrales, as indicated in the Ordinance.

1010
1011 EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in
1012 full force and effect from and after its passage, publication and posting, according to law.

1013
1014 **PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of
1015 Corrales, New Mexico, this ____ day of _____, 2013.

1016
1017 APPROVED:
1018
1019
1020 _____
1021 The Honorable Philip Gasteyer
1022 Mayor

1023
1024 ATTEST:
1025
1026
1027 _____
1028 Juan J. Reyes
1029 Village Clerk

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