



VILLAGE OF CORRALES
ORDINANCE NO. 13-017

AN ORDINANCE RELATING TO THE COLLECTION, TRANSPORTATION AND DISPOSAL OF LIQUID WASTE IN THE VILLAGE OF CORRALES; REPEALING AND REPLACING ORDINANCE NO. 13-007, ADOPTED MAY 14, 2013; DEFINING TERMS; CREATING A PUBLIC UTILITIES DEPARTMENT; ESTABLISHING A WASTEWATER UTILITY SYSTEM; DESIGNATING WASTEWATER UTILITY SERVICE AREAS; PROVIDING FOR SERVICE CONNECTIONS TO THE WASTEWATER UTILITY SYSTEM; PROVIDING FOR THE OPERATION, INSPECTION, MAINTENANCE AND REPAIR OF THE WASTEWATER UTILITY SYSTEM AND SERVICE CONNECTIONS; PROHIBITING CERTAIN DISCHARGES AND ACTIVITIES IN CONNECTION WITH LIQUID WASTE AND WASTEWATER UTILITY SERVICE; ESTABLISHING A SYSTEM OF RATES AND CHARGES FOR WASTEWATER UTILITY SERVICE; PROVIDING FOR TERMINATION AND RECONNECTION OF WASTEWATER UTILITY SERVICE; AND PROVIDING A PENALTY FOR VIOLATIONS.

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

WHEREAS, to reduce the discharge of wastewater through septic systems in the Corrales Road High Density Area along Corrales Road from Meadowlark Lane to Old Church Road by providing an alternative system of wastewater disposal, the Village has constructed a wastewater utility collection and transportation system (the “Wastewater System”) along Corrales Road from Old Church Road southward, connecting with the Albuquerque Bernalillo County Water Utility Authority’s wastewater collection system at a point south of the Village; and

WHEREAS, the Wastewater System is a pressurized system initially designed to collect and transport liquid waste discharged from individual septic tank effluent pumping (STEP) pump systems; and

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

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 service and the continuing operation and maintenance of the Wastewater System; and

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 reduction and eventual elimination of public health hazards that may result from improper wastewater disposal, to improve the quality of surface water and ground water 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 requests to make a service connection to the Village's wastewater utility system.

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

139
140 *BOD* means biological oxygen demand.

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

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

147
148 *COD* means chemical oxygen demand.

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

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

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

165
166 *Corrales Road High Density Area* means, collectively, all individual properties or parcels having
167 frontage on Corrales Road at any point between Old Church Road on the north and
168 Meadowlark Lane on the south, and including commercial properties at the intersection
169 of Corrales Road and Meadowlark Lane.

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

173
174 *Demonstrated need for service* means a scientifically or technically demonstrated harm or threat
175 to the quality of groundwater, or a regulatory limitation inhibiting or preventing the
176 installation and use of on-site wastewater treatment and disposal systems, which makes
177 the provision of wastewater utility service necessary in a particular area of the Village.

178
179 *Developed*, in connection with real property, refers to any parcel of real property on which is
180 located any residential unit or commercial facility.

181

182 *Director* means the director of public utilities.
183
184 *Environmental Protection Agency* means the Environmental Protection Agency of the United
185 States.
186
187 *EPA* means the Environmental Protection Agency.
188
189 *GPD* or *gpd* means gallons per day.
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(c), 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, based on a demonstrated need for
223 service, wastewater utility service is made available by the Village and connection of
224 individual wastewater systems to the wastewater utility is encouraged or may be required
225 in order to avoid or minimize wastewater discharges harmful to the quality of ground
226 water.
227

228 *Primary treatment* means a liquid waste treatment process that takes place in a treatment unit
229 such as a septic tank and allows those substances in wastewater that readily settle or float
230 to be separated from the water being treated.
231

232 *Private wastewater disposal system* means a privately owned septic system or other wastewater
233 disposal system not connected to the wastewater utility system or to any other wastewater
234 collection system conveying the wastewater to a POTW.
235

236 *Publicly operated treatment works* means a wastewater treatment plant owned by a governmental
237 agency and, in particular, the wastewater treatment plant owned and operated by the
238 ABCWUA.
239

240 *Residential unit* means a structure that is primarily used for living quarters and does not contain
241 commercial facilities.
242

243 *Septic system* means a wastewater treatment and disposal system including a septic tank as its
244 primary treatment unit and a leach field or equivalent means for disposal of the septic
245 tank effluent.
246

247 *Septic tank* means a liquid waste treatment unit designed to provide primary treatment and
248 anaerobic treatment prior to disposal of wastewater.
249

250 *Septic tank effluent filter* means a filter placed upon the discharge pipe from a septic tank,
251 upstream from the STEP pump, to prevent solid materials from entering the wastewater
252 stream directed to the wastewater utility system; such a filter is mandatory for all STEP
253 service connections to the wastewater utility system.
254

255 *Service availability date* means the date when construction and testing of the wastewater utility
256 system within any primary service area are completed and the wastewater utility system
257 within that primary service area is ready for installation of individual service connections.
258

259 *Service connection or individual service connection* means the piping and equipment necessary
260 to connect the wastewater discharge from the building or buildings on a customer's
261 property to the Village's wastewater utility system.
262

263 *Small-volume commercial facility* means a commercial facility having neither a liquid waste
264 design flow rate nor an actual mean liquid waste discharge exceeding 600 gallons per
265 day.
266

267 *Standard Methods* means the laboratory procedures set forth in the latest EPA-approved edition,
268 at the time of analysis, of *Standard Methods for the Examination of Water and*
269 *Wastewater*, as prepared, approved and published jointly by the American Public Health
270 Association, the American Water Works Association and the Water Environment
271 Federation.
272

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

277
278 *Village* means the Village of Corrales, New Mexico.
279

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

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

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

291
292 **Section 23-4. Public utility department.**
293

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

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

313
314

315 **ARTICLE II. WASTEWATER UTILITY SERVICE**

316
317 **Section 23-26. Wastewater utility system.**
318

319 (a) *Establishment.* The Village wastewater utility system is established for the
320 purpose of protecting the health, safety and welfare of the residents and property owners of the
321 Village and to protect the quality of the water supply for the Village and its residents and
322 property owners.

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

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

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

344
345 **Section 23-27. Wastewater service availability; ~~optional and mandatory~~ connection**
346 **timeframe.**

347
348 (a) *Corrales Road High Density Area.* Upon completion and testing of the initial
349 wastewater utility system serving the Corrales Road High Density Area and completion of all
350 other actions necessary to make the wastewater utility system ready for service, the Village
351 administration will determine and publicize the service availability date. The Village will also
352 notify individual property owners within the Corrales Road High Density Area of the service
353 availability date, the opportunity for property owners to connect to the wastewater utility system,
354 and the time frame within which to make application for connection to the wastewater utility
355 system.

356
357 (b) *Other primary service areas.* Upon completion of a wastewater utility system
358 expansion into any new primary service area, the governing body shall determine, publicize and
359 cause the property owners within the new primary service area to be notified of the service
360 availability date for such primary service area, and the owners of each lot or parcel within the
361 primary service area shall be provided an opportunity to connect to the wastewater utility system.

362
363 (c) *Opportunity and time for wastewater utility service application.* The owner of
364 each lot or parcel of real property within the Corrales Road High Density Area or another

365 primary service area may apply for connection to the wastewater utility system at any time
366 before, on or after the service availability date. Unless the owner is eligible for and has received
367 a temporary waiver in accordance with Subsection 23-27(d), the owner of each developed
368 property within any primary service area shall apply for connection to the wastewater utility
369 system no later than the following:

- 370
- 371 (1) The owner of each large-volume commercial facility shall apply no later than the
372 date which is one (1) year after the service availability date.
- 373
- 374 (2) The owner of each small-volume commercial facility shall apply no later than the
375 date which is two (2) years after the service availability date.
- 376
- 377 (3) The owner of each residential unit shall apply no later than the date which is three
378 ~~five (5)~~ years after the service availability date.
- 379

380 (d) *Temporary waiver for certain small-volume commercial facilities and residential*
381 *units.* The owner of a small-volume commercial facility having a liquid waste design flow rate
382 no greater than three hundred gallons per day (300 GPD) or of any residential unit in a primary
383 service area may submit a request to the Village seeking a waiver of the requirement to connect
384 to the wastewater utility system. The request must be submitted to the Village no later than three
385 (3) months prior to the date when connection to the wastewater utility system would otherwise
386 be required in accordance with the foregoing Subsection 23-27(c), and shall be accompanied by
387 documentation establishing that the small-volume commercial facility or residential unit is
388 served by an existing wastewater treatment and disposal system (septic system or advanced
389 treatment system) that is (i) permitted by NMED; (ii) in full compliance with all NMED
390 standards for the design, construction, operation and maintenance of the existing system as of the
391 date of the request for waiver; and (iii) if the system includes a septic tank, the tank has been
392 pumped within no less than three (3) years prior to the date of the request for waiver. If the
393 Village determines that the existing system meets the standards set forth in this Subparagraph,
394 then the Village will, in writing, grant a waiver from the requirement to connect to the
395 wastewater utility system for a period of three (3) years from the date when connection would
396 otherwise be required. The waiver ~~may~~ shall not be renewable ~~for an additional period of no~~
397 ~~more than three (3) years upon renewed request of the owner consistent with the requirements of~~
398 ~~this Subparagraph.~~ No more than one (1) such waivers shall be granted for any small-
399 volume commercial facility or residential unit.

400

401 (e) *Mandatory wastewater utility connection under certain circumstances.*
402 Notwithstanding any other provision of this chapter, and regardless whether a waiver or other
403 extension of time may have been previously granted, the owner of a lot or parcel of real property
404 within the Corrales Road High Density Area or another primary service area shall immediately
405 apply for connection to the wastewater utility system if wastewater is generated on the lot or
406 parcel, any portion of the building from which it is generated is within three hundred fifty (350)
407 feet of the wastewater utility system, and:

- 408
- 409 (1) It is determined by the NMED or other competent authority that the existing
410 wastewater treatment and disposal system on the property is inadequate and

411 constitutes an immediate threat to public health, safety or the environment, ~~and~~
412 ~~conditions are such that an adequate wastewater treatment and disposal system~~
413 ~~cannot be constructed and operated on the property;~~

414
415 (2) The owner submits a building permit application or site development plan
416 proposing to erect a new structure or proposing a modified use of the property
417 which, taking into account applicable regulations of the NMED, cannot be fully
418 accommodated by an existing wastewater treatment and disposal system already
419 present on the land; or

420
421 (3) The property is sold or otherwise transferred to a new owner. The new owner
422 shall apply for connection to the wastewater utility system no later than five (5)
423 business days following the transfer of ownership. This requirement for
424 immediate connection shall not apply if the transfer of ownership is by will, by
425 proceeding in intestacy, or by a transfer on death deed, unless and it is determined
426 by NMED or other competent authority that the existing wastewater treatment and
427 disposal system on the property is inadequate or is not in substantial compliance
428 with regulations of the NMED, in which case immediate connection shall be
429 required; otherwise, any deadline for connection to the wastewater utility system
430 pursuant to this Section or pursuant to any waiver granted under this Section shall
431 remain unchanged by the transfer of ownership by will, proceeding in intestacy,
432 or a transfer on death deed and shall be binding upon the new owner.

433
434
435
436 (f) *New private wastewater disposal systems prohibited.* It is prohibited for any
437 person or entity to construct or install a private wastewater disposal system, not connected to the
438 wastewater utility system, or to construct or install a leach field for a private wastewater disposal
439 system within any primary service area after the service availability date for such primary service
440 area, unless the entire building from which the wastewater is generated is more than three
441 hundred fifty (350) feet distant from the Village's wastewater utility system.

442
443 (g) *Properties not within a primary service area.* Applicants whose properties are
444 not located within a primary service area but are within reasonable proximity of a wastewater
445 transmission line (e.g., residents with properties near Corrales Road south of the Corrales Road
446 High Density Area) will be permitted to connect to the wastewater utility system and become
447 customers, under the same terms and conditions as customers within a primary service area,
448 provided that adequate capacity and infrastructure exists to support the requested service.
449 Applicants not located within a primary service area may make application for service at any
450 time.

451
452 (h) *Notification of purchasers.* Any person selling or otherwise transferring
453 ownership of real property within the Corrales Road High Density Area or another primary
454 service area shall disclose to the purchaser or transferee the fact that the property is within an
455 area served by the wastewater utility system and that wastewater utility service is available and

456 may be required pursuant to this Chapter, whether or not the property is connected to the
457 wastewater utility system at the time of sale or transfer.

458

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

460

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

463

464 (b) *Options for wastewater utility system connections.* An applicant for wastewater
465 utility system service may request either of two options for installation of the service connection
466 and necessary equipment on applicant's property: (i) **Option A:** STEP pump system installed
467 and maintained by the applicant; or (ii) **Option B:** STEP pump system partially installed and
468 maintained by the Village. The Village will permit the type of system requested to the extent
469 possible, taking into account design and operational constraints of the wastewater utility system.
470 If an applicant under Option B fails to complete the connection process or comply with all
471 requirements under Option B, then the applicant shall be required to timely install a wastewater
472 utility system service connection under Option A.

473

474 (c) *Application for service.* Each applicant for wastewater utility system service shall
475 submit to the Village an application for such service on a form provided by the Village,
476 providing the applicant's name, service address, mailing address, telephone number, the nature
477 of the commercial facility or residential unit to be served, the type of service connection
478 requested (Option A or Option B), and any other information needed for the Village to review
479 the application. The application shall be accompanied by full payment of the connection fee.
480 The Village shall promptly notify the applicant if any information is incomplete or if additional
481 information is needed for review of the application for service.

482

483 (d) *Option A requirements.* If the applicant requests service under Option A (system
484 installed by applicant), the application for service shall also be accompanied by a design drawing
485 or drawings showing the entire proposed service connection, including all piping, STEP pump
486 and pump basin, septic tank and other process tanks, grease traps and sediment traps if any,
487 control panels, and other fixtures and installations for the service connection, along with a
488 narrative statement of the applicant's operations and maintenance plans for the service
489 connection. The director or the director's designee will promptly review the application for
490 service and accompanying documents and approve or disapprove the proposed service
491 connection. If the proposed service connection is disapproved, the director shall state the
492 specific deficiencies resulting in disapproval and provide guidance for correcting the
493 deficiencies. The applicant may then submit an amended application or amended materials in
494 support of the application, without payment of an additional fee. **Approval of the proposed
495 service connection by the director does not constitute approval of plans or approval for
496 construction under the Village's building code or under regulations of the State of New
497 Mexico. It is the responsibility of the applicant to obtain all necessary building permits,
498 excavation permits and other permits including, if necessary, a permit from NMDOT for
499 construction in the Corrales Road right of way. Applicant shall also inform the director at
500 least three (3) days in advance of the date when construction will commence and of the date
501 when connection to the wastewater utility system will be made at the sewer service**

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

505
506 (e) **Option B requirements.** If the applicant requests service under Option B (STEP
507 pump system partially installed and maintained by the Village), then upon Village receipt of the
508 application and connection fee the applicant and the Village shall proceed as follows:

- 509
- 510 (1) Director or director's designee will review the application and advise the
511 applicant if any additional information is needed. For Option B, the application
512 must include documentation of either (i) an existing septic tank that is licensed by
513 NMED and in full compliance with NMED regulations at the time of the
514 application, or (ii) design drawings and specifications for a planned septic tank to
515 be installed by applicant, at applicant's expense, in conjunction with the
516 installation and construction of the service connection.
 - 517
 - 518 (2) Director or director's designee will meet with applicant on site to select and mark
519 agreed-upon locations for the STEP pump basin, new septic tank (if any), and
520 control panel.
 - 521
 - 522 (3) Applicant will execute an easement agreement in favor of the Village to provide
523 access for construction, operation and maintenance of the service connection.
524 **Execution of the easement agreement is a required condition before the**
525 **Village can proceed further with the application.**
 - 526
 - 527 (4) Director or director's designee will prepare design drawings and a cost estimate
528 for Village construction and installation of: STEP pump and pump basin, control
529 panel and wiring between control panel and STEP pump, buried gravity
530 wastewater transmission line connecting discharge line from existing or new
531 septic tank to the STEP pump basin, and pressurized discharge line connecting
532 STEP pump to sewer service connection point.
 - 533
 - 534 (5) Design drawings and cost estimate will be provided to applicant for review and
535 approval. Upon approval, applicant will be required to execute an agreement to
536 repay the Village's actual costs for materials and construction, either upon
537 completion or in accordance with a payment plan as provided in Subsection
538 23-31(c). If applicant refuses to approve the design drawings and cost estimate,
539 without good cause for such refusal, or refuses to execute the required repayment
540 agreement, the applicant will be required to reimburse the Village's actual costs
541 for preparation of the design drawings and cost estimate.
 - 542
 - 543 (6) Director or director's designee will schedule construction and installation of the
544 service connection in cooperation with applicant. **Applicant must make**
545 **arrangements for connection of the control panel to an appropriate electrical**
546 **service drop, which work must be performed by a licensed electrician.**
- 547

548 (7) Upon completion of construction, installation of new septic tank (if required) and
549 connection of electrical service, the final connection between the septic tank and
550 the STEP pump will be made, including disconnection of any existing leach field
551 from the system, and the Village will assume responsibility for operation and
552 maintenance of the STEP pump and other facilities installed by the Village.
553 Billing of the customer for wastewater service will also commence on this
554 connection date.

556 (8) The Village will also provide monthly inspection and cleaning of filters necessary
557 for STEP pump operation. Cleaning of filters requires access to the septic tank to
558 provide a location for discharge of wash water used to clean the filters.
559 **Customer shall ensure that there is unobstructed access to the STEP pump**
560 **and to the septic tank during all daylight hours.**

562 (9) The Village will periodically inspect the septic tank to determine whether
563 pumping of sludge from the tank is needed, and if so will notify the customer to
564 have the sludge pumped from the tank within thirty (30) days. Customer shall
565 notify the Village promptly when the pumping is completed. Alternatively, if
566 requested by the customer, the Village will arrange for pumping of the septic tank
567 and the Village's actual cost of pumping sludge from the septic tank will be added
568 to the customer's wastewater bill, and will be payable over a period of four (4)
569 months.

571 (f) *STEP pumps supplied by Village.* The Village on the date of adoption of this
572 Section has in stock a limited number of STEP pumps and pump basins acquired with EPA
573 funding. To the extent available, the Village will make these STEP pumps and pump basins
574 available at reduced cost for use in Option B installations. After the units in stock are exhausted,
575 further STEP pumps and pump basins acquired through the Village will be made available at full
576 cost.

578 (g) *Sand traps and grease traps.* Sand traps or grease traps may be required for
579 schools, restaurants, and certain other commercial or public buildings to prevent accumulated
580 grease, oil, sand or mud from collecting in the STEP pump basin and from being transmitted into
581 the wastewater utility system. The Village will evaluate the need for sand traps or grease traps
582 on a case-by-case basis and notify the applicant or customer if they are required. Where
583 required, the Village shall have authority to inspect sand traps and grease traps at appropriate
584 times during regular business hours and in the event of an emergency, to ensure that they are
585 correctly installed and operating properly.

587 (h) *Disconnection of existing leach field or other on-site disposal facility.* Where the
588 service connection to the wastewater utility system replaces an existing septic system with a
589 leach field and the septic tank remains in place, the leach field shall be disconnected from the
590 septic tank and the pipe to the leach field shall be capped when connection to the wastewater
591 utility system is completed. The customer or contractor shall provide written notice to the
592 Village and NMED that the leach field is disconnected and the pipe is capped. If the service
593 connection replaces an existing septic tank, the septic tank shall be removed or closed in place.

594 If the connection to the wastewater utility system replaces any other type of on-site disposal
595 system, such as an advanced treatment system or a constructed wetland disposal facility, such
596 on-site disposal system shall be disconnected in an appropriate manner within thirty (30) days
597 after connection to the wastewater utility system is completed, and written notice shall be
598 provided to the Village and NMED.
599

600 **Section 23-29. Continuing responsibilities.**
601

602 (a) *Customer's continuing responsibilities.* Following installation of the service
603 connection and during all periods that wastewater service is provided, the customer has a
604 continuing responsibility to ensure that property conditions remain suitable for operation,
605 maintenance, and if necessary repair of the service connection. Specific customer
606 responsibilities include:
607

- 608 (1) Avoiding and preventing damage to the STEP pump or grinder pump unit, control
609 panel, and all wastewater lines, both pressurized and unpressurized;
610
- 611 (2) Monitoring the unit's alarm device and notifying the Village promptly of all
612 alarms;
613
- 614 (3) Providing electricity for the operation of the STEP pump unit and maintaining
615 customer-owned wiring up to the control panel;
616
- 617 (4) Maintaining reasonably open access to the service connection and, in particular,
618 the STEP pump and pump basin so that the Village or its contractor may perform
619 necessary inspections, maintenance and repairs;
620
- 621 (5) Maintaining site grading, drainage and irrigation so that surface water does not
622 accumulate within four (4) feet of the STEP pump unit;
623
- 624 (6) Maintaining landscaping so that the STEP pump unit and the control panel are
625 easily visible and accessible;
626
- 627 (7) Replacing or restoring any fencing, ground surface material and any other
628 customer owned improvements that are necessarily removed or altered in the
629 course of inspection, maintenance and repair of any portion of the service
630 connection, including but not limited to the STEP pump unit and the control
631 panel;
632
- 633 (8) Maintaining and as necessary cleaning any sand or grease traps to ensure that
634 damaging materials are not introduced into the wastewater utility system; and
635
- 636 (9) Timely payment of all amounts owed for installation and continuing operation of
637 the wastewater utility service.
638

639 (b) *Village's continuing responsibilities.* The Village shall have the continuing
640 responsibility to provide for the operation and maintenance of the wastewater utility system,
641 including those portions of the service connection that have been constructed and installed by the
642 Village and are subject to maintenance and operation by the Village as provided in this Chapter.
643 The Village shall also have the continuing responsibility for service, maintenance, repair and
644 replacement, if necessary, of Village-installed service connection components and equipment,
645 including STEP pumps, under service connection option B.

646
647 (c) *Alteration or removal of components prohibited.* Alteration or removal of any
648 wastewater service connection components without the prior approval of the Village is strictly
649 prohibited. Any person who knowingly discharges wastewater to the wastewater utility system
650 in violation of this Subsection shall be punishable in accordance with Section 23-35.

651
652 (d) *Customer obligation to provide electric power.* The customer shall provide
653 continuous and uninterrupted electrical power for operation of the STEP pump and any
654 appurtenances, except only for electrical service outages, failures beyond customer's control, and
655 extended vacancy of premises for more than thirty (30) days.

656
657 (e) *Right to enter, inspect and make emergency repairs.* In addition to entry rights
658 granted by easements executed by customers under service connection Option B, the Village and
659 its officers, employees, agents and representatives, upon reasonable notice or without notice in
660 the event of an emergency, shall have authority to enter upon private lands for the purpose of
661 inspecting any portion of the wastewater utility system and the service connections thereto,
662 including customer-installed or customer-maintained components under any service option, and
663 making any corrections or repairs that are necessary in the event of emergency to avoid, prevent
664 or mitigate damages to the wastewater utility system or disruption of wastewater utility services.
665 In the event that emergency repairs or modifications of customer-installed or customer-
666 maintained components of a wastewater service connection are necessary to ensure the integrity
667 and satisfactory operation of the wastewater utility system and the customer does not promptly
668 take appropriate steps to effect such repairs or modifications, then the Village may make the
669 necessary repairs or modifications and the customer shall be liable to the Village for the
670 Village's costs incurred.

671
672 **Section 23-30. Prohibited discharges and activities.**

673
674 (a) *Prohibited pollutants.* No person shall discharge or permit the discharge into the
675 wastewater utility system of any of the following pollutants which acting alone or in conjunction
676 with other substances present in the wastewater could interfere with the operation of the POTW:

- 677
678 (1) Pollutants which could create a fire or explosion hazard in the POTW, including
679 but not limited to waste streams with a closed-cup flashpoint of less than 140° F
680 (60° C) using the test methods specified in 40 CFR 261.21;
681
682 (2) Pollutants which could cause corrosive structural damage to the POTW, but in no
683 case discharges with a pH lower than 5.0 or higher than 11.5;
684

- 685 (3) Solid or viscous pollutants of any sort, including grease, wax or similar materials
686 which could clog the STEP wastewater lines;
687
- 688 (4) Any pollutant which could cause interference in the POTW or individual unit
689 operations of the POTW, including oxygen demand pollutants (BOD, COD,
690 NH₃-N and like materials) released in a discharge at a flow rate or concentration
691 which could cause interference in the POTW or individual unit operations;
692
- 693 (5) Heat in amounts which will inhibit biological activity in the POTW resulting in
694 interference, but in no case heat in such quantities that the temperature at the
695 POTW influent exceeds 104° F (40° C) or the temperature of the discharge into
696 the wastewater utility system exceeds 140° F (60° C);
697
- 698 (6) Petroleum oil, cutting oil, or products of mineral oil origin, in any amount;
699
- 700 (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the
701 POTW in a quantity that may cause worker health or safety problems, as
702 determined by ABCWUA;
703
- 704 (8) Trucked or hauled pollutants of any sort or in any quantity;
705
- 706 (9) Noxious or malodorous liquids, gases or other wastewater which, either singly or
707 by interaction with other wastes, are sufficient to create a public nuisance or a
708 hazard to life, safety or health, or the pollution of waters receiving discharge from
709 the POTW;
710
- 711 (10) Wastewater which imparts color which cannot be removed by the treatment
712 process such as, but not limited to, dye wastes and vegetable tanning solutions;
713
- 714 (11) Storm water, surface water, ground water, roof runoff, subsurface drainage,
715 swimming pool drainage, condensate, deionized water, and noncontact cooling
716 water, unless specifically authorized by ABCWUA and the Village;
717
- 718 (12) Sludges, screenings or other residues from the pretreatment of industrial waste;
719
- 720 (13) Medical wastes;
721
- 722 (14) Wastewater which, alone or in conjunction with other sources, could cause the
723 POTW's effluent to fail a NPDES toxicity test;
724
- 725 (15) Detergents, surface-active agents, or similar substances in quantities which could
726 cause excessive foaming in the wastewater utility system or the POTW;
727
- 728 (16) Fats, oils or greases of animal or vegetable origin;
729

- 730 (17) Persistent pesticides or herbicides, such as but not limited to dieldrin, aldrin,
 731 chlordane, endrin, heptachlor, toxaphene, lindane, dioxin, benzene hexachloride
 732 (BHC) and polychlorinated biphenyls (PCBs), or any other toxic refractory
 733 organic chemicals;
 734
 735 (18) Radioactive waste of any sort;
 736
 737 (19) Dental amalgam; or
 738
 739 (20) Any pollutant which would result in a violation of any statute, rule, regulation or
 740 ordinance of the Village, ABCWUA or any public agency, including discharges
 741 prohibited by EPA.
 742
 743 (b) *Pollutant concentration limitations.* No person shall discharge or permit the
 744 discharge into the wastewater utility system of any of the following pollutants at a concentration
 745 in excess of that set forth in the table below or any different concentration of such pollutant that
 746 may be established by ABCWUA's Sewer Use and Wastewater Control Ordinance on or after
 747 the adoption of this Section 23-30:
 748

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
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749 * Total benzene, toluene, ethylbenzene and xylenes.
750

751 (c) *Applicability of ABCWUA limitations.* In addition to the foregoing restrictions,
752 limitations and prohibitions, discharges of wastewater to the wastewater utility system shall
753 comply with all applicable regulations and limitations contained in the most recent sewer use and
754 wastewater control ordinance of ABCWUA, as amended and supplemented. In the event of an
755 inconsistency between the standards set forth in this Section and those contained in the
756 ABCWUA wastewater control ordinance, the more restrictive provision shall apply.
757

758 (d) *Damage to wastewater utility system.* It shall be unlawful for any person to
759 remove or damage any part of the wastewater utility system. No person shall excavate in any
760 public right of way within the Village without first obtaining an excavation permit from the
761 Village or other authority having control over the right of way, and all excavation shall be in
762 accordance with the terms of the permit. In the event that any person causes damage to the
763 wastewater utility system by excavation within the Village, such person shall be liable to the
764 Village for all costs incurred by the Village to repair, restore or replace the damaged portion of
765 the wastewater utility system. If the damage results from excavation without a required permit,
766 the person causing the damage shall be liable to the Village for an additional penalty in the
767 amount of one thousand dollars (\$1,000). The Village reserves the right to seek additional or
768 alternative civil penalties in the event of damage to the wastewater utility system or any portion
769 thereof, either within or outside of the Village, and regardless whether the person causing the
770 damage obtained an excavation permit from any authority.
771

772 **Section 23-31. Rates, fees and charges for wastewater service.**
773

774 (a) *Imposition of fees and charges.* The Village shall impose reasonable and
775 appropriate rates, fees and charges for wastewater utility system service to customers. The
776 amount of the rates, fees and charges shall be established and may be amended periodically by
777 resolution of the governing body. Rates, fees and charges for each class of customer shall be set
778 at just and equitable rates, sufficient in the aggregate to meet the Village's costs of operating and
779 maintaining the wastewater utility system at such time as owners of all properties to which the
780 service is available have made connections to the system. To provide adequate funds for
781 operation of the wastewater utility system if rates, fees and charges are insufficient, the
782 governing body may by resolution specifically provide funding for operation and maintenance of
783 the wastewater utility system from other available sources of funds.
784

785 (b) *Customer classes.* Rates, fees and charges shall be determined based on three
786 classes of customers:
787

788 (1) Residential units. Where a single service connection serves multiple residential
789 units, rates, fees and charges shall be based on the actual number of residential
790 units served.
791

792 (2) Small-volume commercial facilities.
793

794 (3) Large-volume commercial facilities.
795

796 Where a single service connection serves multiple commercial facilities in common ownership,
797 the owner may elect to have each commercial facility treated as a separate entity for billing
798 purposes, or may elect to have all of them treated collectively as a single entity. The election
799 shall be made at the time of application for service, and shall be irrevocable for a period of one
800 (1) year thereafter. After the expiration of the initial one (1) year period, the owner may at his or
801 her discretion seek to amend the election, subject to Village approval; provided, however, that if
802 an owner initially elects to have multiple commercial facilities treated collectively as a single
803 entity, and subsequently changes the election to treat them as separate entities, then the
804 appropriate connection fee shall be required for each separate entity.
805

806 (c) *Regular fees and charges.* The following fees and charges shall apply:
807

808 (1) *Connection fee.* The connection fee shall be paid when the customer makes
809 application for wastewater service.
810

811 (2) *Costs of service connection construction and installation.* Except as otherwise
812 expressly provided in this Subparagraph and in Subparagraph 23-28(g), each
813 customer with a service connection installed under **Option B** shall reimburse the
814 Village for the entire cost of the service connection, including equipment,
815 construction, and other necessary costs such as, but not limited to, permits and
816 inspection fees, subject to the provisions of this Subparagraph 23-31(c)(2).
817 Customer shall pay the Village at least twenty percent (20%) of the estimated
818 service connection cost before construction begins, and the remaining cost of the
819 service connection (whether greater, less than or equal to the original estimate)
820 may be paid in equal monthly installments over a period not to exceed ten (10)
821 years after completion of the service connection, without interest. In the event
822 that the actual cost of the service connection exceeds the original estimate by
823 more than twenty percent (20%) through no fault of the customer, the customer
824 shall not be required to reimburse the Village for the amount in excess of one
825 hundred twenty percent (120%) of the original estimate. For purposes of this
826 Subsection, "fault of the customer" shall include, without limitation, incorrect
827 information supplied by the customer or failure by the customer to provide
828 relevant information known to the customer and not apparent on inspection of the
829 premises.
830

831 (3) *Wastewater service charges.* Monthly charges for wastewater service shall be as
832 established by resolution of the governing body, and will include both a monthly
833 base charge and a commodity charge, which may be based on the liquid waste
834 design flow rate for the facility served. For large-volume commercial facilities,
835 the liquid waste design flow rate shall be determined in accordance with the
836 following table, as set forth in Section 20.7.3.201 NMAC, or with any revision,
837 amendment or supplementation thereof subsequently adopted by NMED.
838

TYPE OF OCCUPANCY	GALLONS PER DAY
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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 Restaurant operating more than 16 hours per day Bar or cocktail lounge Per pool table or video game, add Carry out only, including caterers Add per 8-hour shift Food outlets only Add for deli Add for bakery Add for meat department Add per public restroom	40 per seat 60 per seat 20 per seat 15 each 50 per 100 sq. ft. floor space 20 per employee 10 per 100 sq. ft. floor space 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 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 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:

- 862 (1) Costs associated with sampling, analyzing and evaluating the customer's waste
863 water and the effect of such waste water on the wastewater utility system when
864 such waste water is found to contain prohibited pollutants, and thereafter for
865 verification of compliance with this chapter as the director of public utilities
866 deems appropriate.
867
- 868 (2) Costs associated with repairing or replacing components of the wastewater utility
869 system that are damaged or destroyed by the actions of the customer or by any of
870 customer's wastewater discharged to the wastewater utility system.
871
- 872 (3) Costs beyond routine inspections associated with verifying compliance with the
873 inspection, pumping and maintenance requirements for septic tanks, grease traps,
874 sand traps and wastewater service connections as set forth in this chapter.
875
- 876 (4) Costs incurred for emergency correction or repair of a customer-installed and
877 maintained (Option A) wastewater service connection as provided in Subsection
878 23-29(e).
879
- 880 (5) Any other costs incurred to enforce the provisions of this chapter, including legal
881 costs and attorney fees.
882

883 **Section 23-32. Responsibility for payment of rates and charges.**
884

885 (a) *Responsibility for payment.* Payment of all rates, fees and charges for wastewater
886 utility service is the responsibility of the owner of the property served, notwithstanding any
887 statement to the contrary in any lease, tenancy or land use agreement. Rates, fees and charges
888 for wastewater service shall, until fully paid, be a lien upon the property served.
889

890 (b) *Billing.* Wastewater service fees and charges shall be determined and bills for
891 services shall be based on a monthly billing period, which shall not necessarily be a calendar
892 month. Monthly fees and charges shall be due without prorating for any portion of a month or
893 monthly billing period during which service was provided. Bills will be sent monthly as soon as
894 reasonably feasible after the end of the billing period.
895

896 (c) *Payments due; delinquencies and arrears.* Bills for wastewater utility services
897 are due and payable upon receipt. Any bill not paid within thirty (30) calendar days after it is
898 sent shall be deemed delinquent and shall be subject to interest at the rate of twelve percent
899 (12%) per annum, compounded monthly. Interest shall be imposed upon all payments in arrears,
900 whether for wastewater service charges, connection fees, construction and installation charges, or
901 any other charges or fees due on the account.
902

903 (d) *Lien on property served.* All rates and fees for wastewater utility service,
904 including interest on overdue charges, shall until paid be a lien on the real property served,
905 enforceable in accordance with Section 3-26-2 and Sections 3-36-1 through 3-36-7, inclusive,
906 NMSA 1978.
907

908 (e) *Change of ownership.* Upon the sale of any property served by the Village's
909 wastewater utility system, it is the responsibility of the owner leaving the premises to notify the
910 Village and provide appropriate documentation of the change in ownership. It is the
911 responsibility of the incoming owner to submit an application for service to the Village no later
912 than five (5) days after taking possession of the property. Failure to provide timely notification
913 shall be a violation of this chapter, punishable in accordance with Section 23-35. Upon receipt
914 of an application for service by the new owner, the Village will thereupon direct any future bills
915 to the new owner. Any unpaid fees or charges, including deferred rates or charges such as, but
916 not limited to, deferred payment of construction costs, and any interest due thereon, shall not be
917 abated by change of ownership, and shall be the responsibility of the incoming owner. It is the
918 responsibility of the purchaser of the property to make due inquiry whether any charges are
919 outstanding for service to the property, and the Village shall have no liability for any failure to
920 make such inquiry.

921
922 (f) *Temporary discontinuance of service charge for unoccupied and closed unit.* If a
923 residential unit or commercial facility has been entirely unoccupied for a period of more than one
924 (1) month, and is reasonably expected to be entirely unoccupied for a continuous period totaling
925 at least three (3) months, the owner may apply for abatement of the commodity charge during the
926 period that the residential unit or commercial facility is unoccupied. The director of public
927 utilities shall inspect the premises, or cause the inspection of the premises, to ensure that the
928 premises are actually unoccupied during the period of abatement. The monthly base charge shall
929 not be abated, and shall be due and payable monthly notwithstanding the fact that the residential
930 unit or commercial facility may be unoccupied.

931
932 **Section 23-33. Termination of service; reconnection.**

933
934 (a) *Termination of service to developed property prohibited.* Wastewater utility
935 service shall not be terminated to any developed property after a service connection has been
936 made to any building or structure on the property.

937
938 (b) *Termination of service if property is no longer developed.* In the event that all
939 buildings or structures for which wastewater utility service would be needed are permanently
940 destroyed, abandoned or removed from a property, then upon notice to the Village by the
941 property owner, or upon the determination of the Village without notice, wastewater utility
942 service to the property may be terminated and the Village may disconnect and remove the
943 Village-owned portion of the service connection. Any unpaid fees or charges, including deferred
944 rates or charges such as, but not limited to, deferred payment of connection costs, and any
945 interest due thereon, shall remain due and payable and shall be a lien on the property,
946 notwithstanding termination of service.

947
948 (c) *Reconnection of service; reconnection fee.* In the event that service to a property
949 has been terminated and an applicant then seeks service to the property for new development or
950 facilities thereon, renewed service to the property will be provided upon application and payment
951 of a reconnection fee in an amount equal to the connection fee in effect at the time of application.
952 The applicant seeking reconnection shall comply with all requirements applicable for an initial

953 connection to the wastewater utility system, notwithstanding the prior service connection to the
954 property.

955
956 **Section 23-34. Determination of disputes; appeals.**

957
958 (a) *Determination of disputes.* In the event that there is any question or dispute
959 regarding the interpretation of anything contained in this chapter, the determination of such
960 dispute shall be made in the first instance by the director of public utilities. Upon the request of
961 any interested person, the director of public utilities shall make such determination in writing,
962 stating the reasons therefor. A copy of the written determination shall be provided to the Village
963 administrator.

964
965 (b) *Right of appeal.* Any person aggrieved by a decision of the director of public
966 utilities may seek review of the decision by the Mayor. The decision of the Mayor shall be the
967 final executive determination of the matter. Any interested person aggrieved by a decision of the
968 Mayor in connection with any matter relating to the wastewater utility system may appeal to the
969 governing body by submitting a notice of appeal to the Village clerk, together with the applicable
970 filing fee, within twenty (20) days following the date of the decision. The notice of appeal shall
971 set forth specifically wherein it is claimed that there was an error or an abuse of discretion, or
972 wherein the decision appealed from was not supported by substantial evidence. A notice of
973 appeal not timely filed or filed without payment of the applicable fee will not be considered.

974
975 (c) *Hearing.* An appeal duly filed shall be heard by the governing body at a time and
976 place to be determined by the governing body. The appellant and any other interested party
977 known to the Village will be notified of the date, time and place of the hearing at least five (5)
978 days in advance. No public notice other than posting of the agenda will be required for the
979 hearing. The matter will be heard by the governing body *de novo*.

980
981 (d) *Decision.* The governing body may reverse, amend, modify or affirm the decision
982 appealed from. The decision of the governing body is the final decision of the Village on the
983 matter appealed.

984
985 **Section 23-35. Penalties for violation of ordinance; abatement of prohibited conditions.**

986
987 (a) *Penalty for violation of ordinance.* Any person who violates any provision of this
988 chapter shall, upon conviction, be punished in accordance with section 1-6. In the event that any
989 violation, including (but not limited to) failure to timely apply for connection to the wastewater
990 utility as required under Section 23-27 or timely apply for service as required under Subsection
991 23-32(e), continues or is repeated after notice by the Village, each day that the violation
992 continues or is repeated shall be deemed a separate offense.

993
994 (b) *Additional remedies; abatement of prohibited conditions.* The availability of
995 penalties in accordance with Subsection 23-35(a) shall not be construed to limit the authority of
996 the Village to seek additional or other penalties, criminal or civil, or to undertake such actions as
997 the Village deems appropriate and necessary to provide for the health, safety and welfare of the
998 Village and its citizens. The Village may pursue any and all administrative or civil penalties

999 available to it, including but not limited to an administrative order to require abatement of any
1000 condition that is injurious to the health, safety or general welfare of the public and to require
1001 compliance with any provision of the ordinances of the Village. In addition, the Village may
1002 pursue a civil action in any court of competent jurisdiction to require compliance with any
1003 federal, state or local law or ordinance or to require the abatement of unsafe, unsanitary, noxious
1004 or hazardous conditions.

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1012
1013 SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this
1014 Ordinance be held to be invalid or unenforceable for any reason, the invalidity or
1015 unenforceability of such section, paragraph, clause or provision shall not affect any of the
1016 remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby
1017 declares that it would have passed this Ordinance and each section, subsection, sentence, clause,
1018 word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses,
1019 words or phrases being declared unconstitutional or otherwise invalid.

1020
1021 COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the
1022 Code of Ordinances of the Village of Corrales, as indicated in the Ordinance.

1023
1024 EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in
1025 full force and effect from and after its passage, publication and posting, according to law.

1026
1027 **PASSED, APPROVED AND ADOPTED** by the Governing Body of the Village of
1028 Corrales, New Mexico, this ____ day of _____, 2013.

1029
1030 APPROVED:

1031
1032
1033 _____
1034 The Honorable Philip Gasteyer
1035 Mayor

1036
1037 ATTEST:

1038
1039
1040 _____
1041 Juan J. Reyes
1042 Village Clerk

1043
1044