

LIQUID WASTE MANAGEMENT

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State law references: Municipal authority to establish sanitary sewers, NMSA 1978, § 3-26-1 et seq.;
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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 of public health hazards that may result from improper wastewater disposal, to provide minimum specifications for customer connections, to provide for the rules of usage establishing the responsibilities of the Village and the responsibilities of customers, and to provide for a schedule of reasonable fees and rates.

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

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 Corrales Road Commercial Area of the Village and other areas that may be served by the Village's wastewater utility system subsequent to the adoption of this ordinance.

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

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.

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 (“ABCWUA”) 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.

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

CFR means the Code of Federal Regulations.

Chemical oxygen demand (“COD”) means the oxygen-consuming capacity of organic and inorganic matter present in wastewater by 40 CFR 136 or EPA accepted *Standard Methods* procedures, expressed as milligrams per liter.

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

Connection fee means a non-refundable fee charged by the Village to an applicant as a condition for connection or reconnection of the applicant’s wastewater system to the Village’s wastewater utility system.

Corrales Road Commercial Area means, in general, all lots contiguous to Corrales Road having frontage on Corrales Road and located on the east side of Corrales Road between East Meadowlark Lane on the south and Wagner Lane on the north, and on the west side of Corrales Road between West Meadowlark Lane on the south and Old Church Road on the north; and shall also include the lots south of and immediately adjacent to Meadowlark Lane on each side of Corrales Road. The specific definition may be found in Chapter 18, Article II, Section 18-37(C)(2)a of the Village Code.

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

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

Environmental Protection Agency (“EPA”) means the Environmental Protection Agency of the United States.

GPD or *gpd* means gallons per day.

Large-volume commercial facility means a commercial facility having a liquid waste design flow rate, or an actual mean liquid waste discharge, exceeding 600 gallons per day.

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

Liquid waste means wastewater in a dominantly liquid state.

Liquid waste design flow rate means the design flow rate of a residential unit or commercial facility determined in accordance with Subsection 23-31(c)(2), or in accordance with Section 20.7.3.201.P, NMAC, as amended and supplemented.

New Mexico Environment Department (“NMED”) means the department of environment of the State of New Mexico established by the Environmental Improvement Act (Chapter 74, Article 1, NMSA 1978).

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

NMAC means the New Mexico Administrative Code.

NMSA 1978 means the New Mexico Statutes Annotated, 1978 edition.

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

Primary service area means the Corrales Road Commercial Area.

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

Private wastewater disposal system means a privately owned septic system or other wastewater disposal system not connected to the wastewater system or to any other wastewater collection system conveying the wastewater to a POTW.

Publicly operated treatment works (“POTW”) means a wastewater treatment plant owned by a governmental agency and, in particular, the wastewater treatment plant owned and operated by the ABCWUA.

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

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

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

Service availability date means the date when construction and testing of the wastewater utility system within the primary service area are completed and the wastewater utility system within the primary service area is ready for installation of individual service connections.

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

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

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

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

Village means the Village of Corrales, New Mexico.

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

Wastewater Utility System means the wastewater collection and transmission system of the Village.
History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

Section 23-4. Repealed.

History: Ord. No. 13-007, adopted 5-24-13; repealed, Ord. No. 14-09, adopted 8-26-14.

Sections 23-5 to 23-25. Reserved.

ARTICLE II. WASTEWATER SERVICE

Section 23-26. Wastewater utility system.

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

(b) *Nature of wastewater utility service.* The Village wastewater utility system is a pressure system, capable of accepting and transporting liquid waste, not including solid or semi-solid materials.

(c) *Primary service area.* Wastewater utility service shall be available to properties within the Corrales Road Commercial Area. Wastewater utility service will also be made available, to the extent of capacity, in other areas where a wastewater utility collection or transmission line is located within three hundred (300) feet of the property where service is requested and a connection point exists to provide such service.

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

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

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

(a) *Corrales Road Commercial Area.* Upon completion and testing of the wastewater utility system and completion of all other actions necessary to make the wastewater utility system ready for service, the Village administration will determine and publicize the service availability date. The Village will also notify individual property owners within the Corrales Road Commercial Area of the service availability date and of the opportunity for property owners to connect to the wastewater utility system.

(b) *Other areas.* Upon completion and testing of the wastewater utility system and completion of all other actions necessary to make the wastewater utility system ready for service, the Village administration will notify the owners of property within three hundred (300) feet for possible connection to the wastewater utility system, should they wish to, even if not located within the Corrales Road Commercial Area.

(c) *Opportunity for wastewater utility connection.* The owner of each lot or parcel of real property within the Corrales Road Commercial Area may apply for connection to the wastewater utility system at any time after the service availability date, and must do so within a reasonable period of time as specifically provided in this chapter.

(d) *Mandatory wastewater connection.* The owner of a lot or parcel of real property within the Corrales Road Commercial Area shall apply for connection to the wastewater utility system if wastewater is generated on the lot or parcel, within a reasonable period of time. Items that trigger a requirement for immediate application and connection include:

- (1) It is determined by the NMED or other competent authority that the existing wastewater treatment and disposal system on the property is inadequate and constitutes an immediate threat to public health, safety or the environment;
- (2) The owner submits a building permit application or site development plan proposing to erect a new structure or proposing a modified use of the property; or
- (3) The property is sold or otherwise transferred to a new owner; provided, however, that this provision shall not apply to the transfer of property to a new owner in probate by the will of a decedent, by transfer on death deed, or by a proceeding in intestacy.

(e) *Notification of purchasers.* Any person selling or otherwise transferring ownership of real property within the Corrales Road Commercial Area shall disclose to the purchaser or transferee the fact that the property is within the area served by the wastewater utility system and of the requirements of this ordinance, whether or not the property is connected to the wastewater utility system at the time of sale or transfer.

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

Section 23-28. Service connections.

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

(b) *Application for service.* Each applicant for wastewater utility service shall submit to the Village an application for such service which shall include:

- (1) The applicant's name, service address, mailing address, telephone number and e-mail address, if available;

- (2) The nature of the commercial facility or residential unit to be served and the number of fixture units or the anticipated discharge volume from the commercial facility or residential unit, if known;
- (3) A design drawing or drawings showing the proposed service connection, including all piping, STEP pump and pump basin, septic tank and other process tanks, grease traps and sediment traps if any, control panels, and other fixtures and installations for the service connection;
- (4) Either (i) documentation of 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;
- (5) A brief narrative statement of the applicant's operations and maintenance plan for the septic tank and service connection; and
- (6) Any other information applicant wishes to provide to assist in the Village's review of the application.

The application shall be accompanied by full payment of the appropriate connection fee.

(c) *Village review and approval.* The Village shall promptly notify the applicant if the application for service is incomplete or if additional information is needed for review of the application. The Village will promptly review the completed application for service and accompanying documents, and will approve or disapprove the proposed service connection. If the proposed service connection is disapproved, the Village shall state the specific deficiencies resulting in disapproval and provide guidance for correcting the deficiencies. The applicant may then submit an amended application or amended materials in support of the application, without payment of an additional fee. Approval of the proposed service connection by the Village does not constitute approval of plans or approval for construction under the Village's building code or under regulations of the State of New Mexico. It is the responsibility of the applicant to obtain any necessary building permits, excavation permits and other permits including, if necessary, a permit from the New Mexico Department of Transportation for construction in the Corrales Road right of way.

(d) *Construction of service connection.* The applicant shall inform the Village at least three (3) days in advance of the date when construction will commence and of the date when connection to the wastewater utility system will be made at the sewer service connection point. Connection of the service connection at the sewer service connection point shall be subject to inspection and approval by the Village, and shall not be covered up or concealed until the inspection has been completed.

(e) *STEP pumps supplied by Village.* The Village on the date of adoption of this section has in stock a limited number of STEP pumps and pump basins acquired with EPA funding. To the extent available, the Village will make these STEP pumps and pump basins available at a reduced cost for applicants wishing to use them in making their service connections. After the units in stock are exhausted, further STEP pumps and pump basins acquired through the Village, if any, will be made available at the Village's full cost.

(f) *Sand traps and grease traps.* Sand traps or grease traps may be required for schools, restaurants, and certain other commercial or public buildings to prevent accumulated grease, oil, sand or mud from collecting in the STEP pump basin and from being transmitted into the wastewater utility system. The Village will evaluate the need for sand traps or grease traps on a case-by-case basis and notify the applicant or customer if they are required. Where required, the Village shall have authority to

inspect sand traps and grease traps at appropriate times during regular business hours and in the event of an emergency, to ensure that they are correctly installed and operating properly.

(g) *Disconnection of existing leach field or other on-site disposal facility.* Where the service connection to the wastewater utility system replaces an existing septic system with a leach field and the septic tank remains in place, the leach field shall be disconnected from the septic tank and the pipe to the leach field shall be capped when connection to the wastewater system is completed. The customer or contractor shall provide written notice to the Village and NMED that the leach field is disconnected and the pipe is capped. If the service connection includes replacement of an existing septic tank, the septic tank shall be removed or closed in place. If the connection to the wastewater utility system replaces any other type of on-site disposal system, such as an advanced treatment system or a constructed wetland disposal facility, such on-site disposal system shall be disconnected in an appropriate manner within thirty (30) days after connection to the wastewater system is completed, and written notice shall be provided to the Village and NMED.

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

Section 23-29. Continuing responsibilities.

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

- (1) Operation and maintenance of the service connection, including the STEP pump unit, control panel, and all wastewater lines on the Customer's property, both pressurized and unpressurized;
- (2) Monitoring the unit's alarm device and responding appropriately to any alarms;
- (3) Pumping the septic tank with sufficient frequency to avoid the excessive accumulation of solids and semi-solids with the potential for overflow to the STEP pump and possible introduction into the wastewater utility system;
- (4) Maintaining and as necessary cleaning any sand or grease traps to ensure that damaging materials are not introduced into the wastewater utility system; and
- (5) Timely payment of all amounts owed to the Village for wastewater utility service.

(b) *Village's continuing responsibilities.* The Village shall have the continuing responsibility to provide for the operation and maintenance of the wastewater utility system.

(c) *Tampering prohibited.* Tampering with or altering a wastewater service connection without the permission of the customer is prohibited.

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

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

Section 23-30. Prohibited discharges and activities.

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

- (1) Pollutants which could create a fire or explosion hazard in the POTW, including but not limited to waste streams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21;
- (2) Pollutants which could cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 11.5;
- (3) Solid or viscous pollutants of any sort, including grease, wax or similar materials which could clog the STEP wastewater lines;
- (4) Any pollutant which could cause interference in the POTW or individual unit operations of the POTW, including oxygen demand pollutants (BOD, COD, NH₃-N and like materials) released in a discharge at a flow rate or concentration which could cause interference in the POTW or individual unit operations;
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW influent exceeds 104° F (40° C) or the temperature of the discharge into the wastewater utility system exceeds 140° F (60° C);
- (6) Petroleum oil, cutting oil, or products of mineral oil origin, in any amount;
- (7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health or safety problems, as determined by ABCWUA;
- (8) Trucked or hauled pollutants of any sort or in any quantity;
- (9) Noxious or malodorous liquids, gases or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, safety or health, or the pollution of waters receiving discharge from the POTW;
- (10) Wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions;
- (11) Storm water, surface water, ground water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, and noncontact cooling water, unless specifically authorized by ABCWUA and the Village;
- (12) Sludges, screenings or other residues from the pretreatment of industrial waste;
- (13) Medical wastes;
- (14) Wastewater which, alone or in conjunction with other sources, could cause the POTW's effluent to fail a NPDES toxicity test;

- (15) Detergents, surface-active agents, or similar substances in quantities which could cause excessive foaming in the wastewater utility system or the POTW;
- (16) Fats, oils or greases of animal or vegetable origin;
- (17) Persistent pesticides or herbicides, such as but not limited to dieldrin, aldrin, chlordane, endrin, heptachlor, toxaphene, lindane, dioxin, benzene hexachloride (BHC) and polychlorinated biphenyls (PCBs), or any other toxic refractory organic chemicals;
- (18) Radioactive waste of any sort;
- (19) Dental amalgam; or
- (20) Any pollutant which would result in a violation of any statute, rule, regulation or ordinance of the Village, ABCWUA or any public agency, including discharges prohibited by EPA.

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

* Total benzene, toluene, ethylbenzene and xylenes.

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

(d) *Damage to wastewater utility system.* It shall be unlawful for any person to remove or damage any part of the wastewater utility system. No person shall excavate in any public right of way within the Village without first obtaining an excavation permit from the Village or other authority having control over the right of way, and all excavation shall be in accordance with the terms of the permit. In the event that any person causes damage to the wastewater utility system by excavation within the Village, such person shall be liable to the Village for all costs incurred by the Village to repair, restore or replace the damaged portion of the wastewater utility system. If the damage results from excavation without a required permit, the person causing the damage shall be liable to the Village for a further penalty in the amount of one thousand dollars (\$1,000), which shall be in addition to any penalty or fee imposed under Chapter 31 (Sections 31-1 through 31-8, inclusive). The Village reserves the right to seek additional or alternative civil penalties in the event of damage to the wastewater utility system or any portion thereof, either within or outside of the Village, and regardless whether the person causing the damage obtained an excavation permit from any authority.

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

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

(a) *Imposition of fees and charges.* The Village shall impose reasonable and appropriate rates, fees and charges for wastewater utility system service to customers. The amount of the rates, fees and charges shall be established and may be amended periodically by resolution of the Governing Body. Rates, fees and charges for each class of customer shall be set at just and equitable rates, sufficient in the aggregate to meet the Village's costs of operating and maintaining the wastewater utility system to the maximum extent possible. To provide adequate funds for operation of the wastewater utility system if rates, fees and charges are insufficient, the Governing Body may by resolution specifically provide funding for operation and maintenance of the wastewater utility system from other available sources of funds.

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

- (1) Residential units. Where a single service connection serves multiple residential units, rates, fees and charges shall be based on the actual number of residential units served.
- (2) Small-volume commercial facilities.
- (3) Large-volume commercial facilities.

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

- (c) *Regular fees and charges.* The following fees and charges shall apply:
- (1) *Connection fee.* The connection fee shall be paid when the customer makes application for wastewater utility service.
- (2) *Wastewater service charges.* Monthly charges for wastewater utility service shall be as established by resolution of the Governing Body, and will include both a monthly base charge and a commodity charge, which may be based on the liquid waste design flow rate for the facility served. Charges for new connections will commence upon completion of the service connection to the wastewater utility system. For large-volume commercial facilities, the liquid waste design flow rate shall be determined in accordance with the following table, as set forth in Section 20.7.3.201 NMAC, or with any revision, amendment or supplementation thereof subsequently adopted by NMED.

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 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

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 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 Village 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 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 utility service connections as set forth in this chapter.
- (4) Costs incurred for emergency correction or repair of a customer-installed wastewater service connection.
- (5) Any other costs incurred to enforce the provisions of this chapter, including legal costs and attorney fees.

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

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

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

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

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

(d) *Arrearages and settlement agreements.* In the event that a property owner falls significantly into arrears on amounts due to the Village for wastewater utility services, the Village administrator is authorized to develop and enter into a reasonable settlement agreement providing for payment of all amounts in arrears (in addition to current charges) over a reasonable period of time, not to exceed two (2) years. Whether or not a settlement agreement is entered into by the property owner, all rates and fees for wastewater service, including interest on overdue charges, shall until paid be a lien on the real property served, which if the property owner willfully fails to pay them may be enforced by the Village in accordance with Section 3-26-2 and Sections 3-36-1 through 3-36-7, inclusive, NMSA 1978.

(e) *Change of ownership.* Upon the sale or transfer of any property served by the Village's wastewater utility system, it is the responsibility of the owner leaving the premises to notify the Village and provide appropriate documentation of the change in ownership. It is the responsibility of the incoming owner to submit a request for service to the Village no later than five (5) days after taking possession of the property. Failure to provide timely notification shall be a violation of this chapter, punishable in accordance with Section 23-35. Upon receipt of a request for service by the new owner, the Village will thereupon direct any future bills to the new owner. Any unpaid fees or charges and any interest due thereon shall not be abated by change of ownership, and shall be the responsibility of the incoming owner. It is the responsibility of the purchaser of the property to make due inquiry whether any charges are outstanding for service to the property, and the Village shall have no liability for any failure to make such inquiry.

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

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

Section 23-33. Termination of service; reconnection.

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

(b) *Termination of service if property is no longer developed.* In the event that all buildings or structures for which wastewater utility service would be needed are permanently destroyed, abandoned or removed from a property, then upon notice to the Village by the property owner, or upon the determination of the Village without notice, wastewater utility service to the property may be terminated and the Village or the property owner may disconnect the service connection. Any unpaid fees or charges and any interest due thereon shall remain due and payable and shall be a lien on the property, notwithstanding termination of service.

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

History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

Section 23-34. Determination of disputes; appeals.

(a) *Determination of disputes.* In the event that there is any question or dispute regarding the interpretation of anything contained in this chapter, the determination of such dispute shall be made in the first instance by the Village administrator. Upon the request of any interested person, the Village administrator shall make such determination in writing, stating the reasons therefor.

(b) *Right of appeal.* Any person aggrieved by a decision of the Village administrator may seek review of the decision by the Mayor. The decision of the Mayor shall be the final executive determination of the matter. Any interested person aggrieved by a decision of the Mayor in connection with any matter relating to the wastewater utility system may appeal to the Governing Body by submitting a notice of appeal to the Village Clerk, together with the applicable filing fee, within twenty (20) days following the date of the decision. The notice of appeal shall set forth specifically wherein it is claimed that there was an error or an abuse of discretion, or wherein the decision appealed from was not supported by substantial evidence. A notice of appeal not timely filed or filed without payment of the applicable fee will not be considered.

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

(d) *Decision.* The Governing Body may reverse, amend, modify or affirm the decision appealed from. The decision of the Governing Body is the final decision of the Village on the matter appealed.
History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

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

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

(b) *Additional remedies; abatement of prohibited conditions.* The availability of penalties in accordance with Subsection 23-35(a) shall not be construed to limit the authority of the Village to seek additional or other penalties, criminal or civil, or to undertake such actions as the Village deems appropriate and necessary to provide for the health, safety and welfare of the Village and its citizens. The Village may pursue any and all administrative or civil penalties available to it, including but not limited to an administrative order to require abatement of any condition that is injurious to the health, safety or general welfare of the public and to require compliance with any provision of the ordinances of the Village. In addition, the Village may pursue a civil action in any court of competent jurisdiction to require compliance with any federal, State or local law or ordinance or to require the abatement of unsafe, unsanitary, noxious or hazardous conditions.
History: Ord. No. 13-007, adopted 5-24-13; Ord. No. 14-09, adopted 8-26-14.

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