THE VILLAGE OF TAOS SKI VALLEY

ORDINANCE NO. 2015-37

AN ORDINANCE ADOPTING REGULATIONS FOR SEPTIC TANKS AND SEWER USE WITHIN THE VILLAGE OF TAOS SKI VALLEY

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY (HEREINAFTER "THE VILLAGE"):

SECTION 1: GENERAL PROVISIONS.

SECTION 1-1. TITLE.

This Ordinance shall be known as the Sewer Ordinance of the Village of Taos Ski Valley and shall be referred to herein as "this Ordinance."

SECTION 1-2. JURISDICTION.

The provisions of this Ordinance are applicable to all lands within the Village of Taos Ski Valley on which wastewater is generated.

SECTION 1.3. PURPOSE.

This Ordinance is designed to provide for the treatment of all wastewater in the Village of Taos Ski Valley and, thereby, protect its citizens and visitors from the dangers of water pollution and the degradation of the environment within the Village.

SECTION 1.4. PLANNING.

The Village of Taos Ski Valley will develop a plan to treat all wastewater generated within the Village and include in the plan methods to encourage the safe treatment of wastewater that is generated on lands not connected to the Village water treatment facility. By resolution, the Village will adopt connection fees and use charges and approve line extension agreements. All fees and charges are due upon assessment and constitute a lien upon the property until paid. Said lien may be foreclosed in the manner provided by law.

SECTION 1-5. DEFINITIONS.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means any structure having a roof supported by columns or walls and designated or intended for shelter, support, enclosure or protection of persons, animals or personal property. For the purposes of this Ordinance, a building must also be designed or intended to include the use of water and/or sewer facilities either within the building or adjacent thereto.

Building sewer means the extension from the building to the public sewer or other place of disposal.

Garbage means solid wastes from the domestic and commercial preparation, cooking or dispensing of food, and from the handling, storage, and sale of produce.

Industrial liquid wastes means all waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NMED means the State of New Mexico Environment Department.

Public Works Director means the director of the wastewater department of the Village or his authorized deputy, agent or representative.

Person means any individual, firm, company, political or governmental subdivision, association, society, corporation or group.

pH means the logarithm, to the base ten, of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Septic system means privately owned septic tank, holding tank, leach field or other NMED approved system.

Septic tank means a tank or a vault used for the purpose of settling solids from wastewater.

Sewage means the waste matter that passes into and through sewers and septic tanks and includes, but is not limited to, wastewater.

Sewer or sewer line means a pipe or conduit for carrying sewage.

System Development Fee means the fee defined in Village of Taos Ski Valley Resolution No. 07-128 and which must be paid prior to the issuance of a building permit, prior to commencement of construction; prior to installation or expansion of use of a service line; and prior to connecting any service line to the Village system.

Trap means a device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity differential separation from wastewater and of a design and capacity approved by the Village.

Wastewater means the used water of a community. Such used water may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants or other buildings or structures.
Wastewater facilities means the structures, equipment and processes required to collect, transport and treat wastewater liquid and dispose of the effluent.

Wastewater treatment facility means an arrangement of devices and structures for treating wastewater and sludge; sometimes used as synonymous with waste treatment plant or wastewater treatment plant.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2. RESIDENTIAL CONNECTIONS.

SECTION 2-1. MANDATORY CONNECTIONS.

The owner of a residential lot on which wastewater is generated must connect to any Village sewer line located within 150 feet of said lot so that all wastewater generated on the lot is processed through the Village wastewater treatment facility.

SECTION 2-2. RESIDENTIAL LOTS LOCATED MORE THAN 150 FEET FROM A VILLAGE SEWER LINE.

All residential lots located more than 150 feet from a Village sewer line must request a sewer line extension from the Village prior to generation of wastewater. If the cost of the line extension and the cost of the system development fee are more than twice the cost of installing a NMED approved septic system, then the residential lot owner may elect either to pay for the line extension and system development fee or to install a NMED approved septic system. If the cost of the line extension and system development fee is less than twice the cost of installing the septic system, then the lot must be connected to the Village system. In calculating the cost of the line extension and connection charges, any grants or subsidies provided by the Village or any other government agency will first be subtracted from the cost of the extension or connection before the comparison is made.

SECTION 2-3. RESIDENTIAL LOTS WITH EXISTING SEPTIC SYSTEMS.

Residential lots located within 150 feet of a Village sewer line and which use an existing NMED approved septic system to treat the liquid wastewater are required to connect to the Village sewer collection system and to disconnect and abandon the septic system in accordance with the regulations of the New Mexico Environment Department. All residential lots located more than 150 feet from a Village sewer line and which use an existing NMED approved septic system must maintain that system so that no part of the system allows the wastewater to pollute the ground water or leave the owner's property. Residential lots located more than 150 feet from a Village sewer line that are found to pollute the ground water or allow wastewater to leave the owner's property must comply with Section 2-2 above.

SECTION 2-4. SEPTIC SYSTEMS NOT APPROVED BY NMED.

The use of a septic system not approved by the New Mexico Environment Department is hereby prohibited on all residential and commercial lots. All lots must either comply with Section 2-1 or 2-2 depending upon the location of the Village sewer line in relation to the lot.

SECTION 3. OTHER CONNECTIONS.

SECTION 3-1. COMMERCIAL, BUSINESS, SPECIAL USE AND MOBILE HOME OVERLAY LOTS.

All commercial, business, special use and mobile home overlay lots upon which potable water is provided and upon which wastewater is generated and are less than 300 feet from a Village sewer line must connect to a Village sewer line so that the wastewater generated on the lot is processed through the Village wastewater treatment facility.

SECTION 3-2. OTHER LOTS.

All other lots or lands upon which wastewater is generated must either connect to a Village sewer line or apply to the Village for an exemption from this requirement. Such application must include a proposal for a NMED approved method of treating the wastewater.

SECTION 3-3. TEMPORARY PRIVATE SEWAGE DISPOSAL.

On all lots within the Village during an approved period of construction or an approved special event, wastewater generated on the lot may be disposed of in a manner approved by the Village Building Inspector and the Village Wastewater Treatment Facility Operations Manager. The Village may provide such approved systems in Village open spaces

SECTION 4. PROHIBITED ACTS.

SECTION 4-1. UNPOLLUTED DISCHARGES TO SEWERS.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sewer line.

SECTION 4-2. DRAINAGE DISCHARGE.

Storm water and all other unpolluted drainage shall be discharged to such sewer lines as are specifically designated as storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the operations manager, to a storm sewer or natural outlet.

SECTION 4-3. UNTREATED DISCHARGES.

It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any sewage or wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

SECTION 4-4. UNAUTHORIZED DISPOSAL.

Except as provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, or cesspool.

SECTION 4-5. UNAUTHORIZED CONNECTIONS.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Village.

SECTION 4-6. USE OF PUBLIC SEWERS.

A. Prohibited substances. No person shall discharge or cause to be discharged any of the following described liquids or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, crank case oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the Village wastewater facility, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment facility, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(3) Any herbicides and pesticides.

(4) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facility.

(5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facility such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(6) Any amount of the following heavy metals:

Antimony	Lead
Arsenic	Manganese
Barium	Mercury
Beryllium	Molybdenum
Bismuth	Nickel
Boron	Rhenium
Cadmium	Selenium
Chromium (Hexa)	Silver
Chromium (Tri)	Strontium
Cobalt	Tellurium
Copper	Tin
Iron	Uranyl ion
	Zinc

(7) Dilution of toxic materials and heavy metals in lieu of removal is not acceptable.

B. Discharges subject to regulation. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Village that such wastes can harm the wastewater treatment facility or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the

Village will give consideration to such factors as the materials of construction of the sewers, nature and capacity of the wastewater treatment facility, degree of treatability of wastes in the wastewater treatment facility and other pertinent factors. The substances which must be considered include, but are not limited to the following:

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

(2) Any water or waste containing fats, grease, wax or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 56 degrees Celsius).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally manufactured and sold for residential and non-commercial use will not be installed without specific review and approval by the operations manager.

(4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions cannot be discharged to the wastewater facility unless completely neutralized and approved by the Village for discharge.

(5) Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or non-toxic; which exert an immediate chlorine demand cannot be discharged into the wastewater facility if discharge of agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in concentrations exceeding limits established by the Village after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the Village in compliance with applicable state and federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids such as, but not limited to, sodium chlorine and sodium sulfate.

b. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

c. Unusual chemical oxygen demand, or biochemical oxygen, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

d. Slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of the wastewater facility.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment works employed, or are amenable to treatment only to such degree that the effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

C. Public Works Director's discretion. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the operations manager may have a deleterious effect upon the wastewater facilities or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the operations manager may:

(1) Reject the wastes;

(2) Require pre-treatment to an acceptable condition for discharge to the public sewers; or
(3) Require control over the quantities and rates of discharge.

If the operations manager permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the operations manager and state and subject to the requirements of all applicable codes, ordinances and laws.

D. Testing industrial waste. Testing an industrial waste will be performed at least twice a year or whenever found necessary by the operations manager. The person discharging the waste shall be liable for payment of all costs arising from the testing of the industrial waste.

E. Grease, oil and sand traps. Grease, oil and sand traps shall be provided when they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such traps shall not be required for private living quarters or dwelling units. Grease and oil traps shall be installed in all filling stations, garages, restaurants, and other new facilities, as determined by the Village administrator or his designee, wherein heavy discharge of grease and oil is to be expected. When, in the judgment of the Village administrator or his designee, discharge pre-treatment into the sewer system is required, an approved type grease trap or sand trap, or both, complying with the provisions of this section or the current Uniform Plumbing Code shall be installed in the sewer line leading from sinks, drains and other fixtures or equipment where grease or sand may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal. Every private or public wash rack and/or floor or slab used for cleaning vehicles, equipment or machine parts shall be adequately protected against storm water or surface water and shall drain or discharge into a sand trap of an approved design for the specific use. The size, type and location of each grease trap or sand trap or separator shall be approved by the Village administrator or his designee, in accordance with the Village's laws, rules or regulations and codes. These interceptors for grease or sand and similar solid heavy wastes shall be so designed and located as to be readily accessible for servicing maintenance, inspection and shall at all times be in working and operating condition. Grease traps and sand traps shall be properly serviced and maintained by authorized personnel and documentation filed for inspection at any time by the Village administrator. Property owners of the establishment may be held liable in a court of competent jurisdiction if their negligence or the negligence of their lessees in maintaining and serving the

grease trap or sand trap, or both, create sewage problems in a public sewer line or to other Village wastewater customers.

F. Maintenance of preliminary treatment and flow-equalizing facilities. Where preliminary treatment or flow-equalizing facilities are provided for any industrial liquid wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

G. Waste meters; manholes. When required by the operations manager, the owner of any property serviced by a building sewer carrying industrial liquid wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, constructed in such a manner as to prevent infiltration of groundwater and surface water and constructed in accordance with plans approved by the operations manager. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

H. Methods of testing; location of test site. All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with the latest edition of "Standard Methods" and shall be determined at the control manhole provided or upon suitable samples taken at such manhole. The control manhole shall be located so that sampling of the industrial waste will be performed before discharge into the public sewer system.

I. Sampling and analysis methods. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater treatment works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.

J. Access for sampling. The operations manager shall be allowed access to the properties of all sewer users and septic tank users as necessary to sample, test, and measure all wastewater discharges. Failure to allow such access may, at the Village's discretion, be the basis for discontinuance of sewer and/or water service to the property to which access is denied or may be considered as a presumption that the septic system is polluting the ground water.

SECTION 5. PERMIT REQUIRED AND APPLICATION PROCEDURE.

SECTION 5-1. REQUIREMENT FOR PERMIT TO CONNECT.

A. No person shall tie into, make installation with or in any way connect to the sewer lines of the Village without first paying the system development fee as required in this Ordinance and obtaining the required connection permit from the Village administrator.

B. Permits shall be issued in the name of the owner of the property which is to be connected, but no person shall tie into, make installation with or in any way connect to the sewer lines of the Village unless he or a member or agent of such firm, partnership or corporation holds an appropriate license issued by the New Mexico Construction Industries Division.

C. It is a violation of this Ordinance for any person to connect with a Village sewer line without first obtaining the required permit or to do or have it done by a person who is not licensed therefor by the New Mexico Construction Industries Division.

SECTION 5-2. APPLICATION.

A. Applications for a connection permit or an exemption may be obtained at the Village office. The completed application for a connection permit or an exemption shall be submitted to the Village administrator who shall approve or disapprove such application as provided in this Ordinance.

B. The application shall contain the following information;

(1) Name of lot owner;
(2) Address or other location of lot;
(3) Type and extent of the proposed connection with the estimated annual use and/or the reason for the exemption.

SECTION 5-3. APPROVAL OR DISAPPROVAL.

The Village shall approve or disapprove each application in accordance with this Ordinance and rules and regulations that may be adopted from time to time by the Village.

SECTION 5-4. NOTICE OF DECISION ON APPLICATION.

The Village shall decide to approve or disapprove the application within thirty (30) days of submission of such application and shall immediately transmit its decision to the applicant by United States mail.

SECTION 6. HEARING REQUESTS.

SECTION 6-1. GENERALLY.

Any person whose application for connection or exemption has been disapproved may request a hearing as specified in this section.

SECTION 6-2. PROCEDURE.

Any person requesting a hearing shall deliver a request for that hearing, in writing, to the Village administrator for a hearing before the Village Council within ten (10) days of receipt of the decision disapproving an application. The Village shall give the person requesting the hearing notice of the time and place of such hearing at least five (5) days before such hearing. All notices shall be in writing and shall be deemed to have been given and received after the notices shall have been deposited in the United States mail, postage prepaid, and addressed to the user at the address contained on his application. The Village Council shall render its decision within five (5) days after the hearing and shall immediately give notice of such decision to the user.

SECTION 6-3. FURTHER APPEAL TO THE EIGHTH JUDICIAL DISTRICT COURT.

Appeal from the Village Council's decision shall be to the Eighth Judicial District Court in the manner provided by law.

SECTION 7. PENALTIES.

SECTION 7-1. PENALTIES AND REMEDIES FOR VIOLATION OF ORDINANCE.

A. **Penalties; continuing violations.** Every person convicted of a violation of this Ordinance shall be punished as provided by law. The conviction and punishment of any person for a violation shall not excuse or exempt such person from the payment of any fee due or unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution of any violation of the provisions of this Ordinance.

B. **Remedies cumulative; liens.** All remedies prescribed or liens created under this Ordinance or under the provisions of the law for collection and enforcement of the fees shall be cumulative and the use of one or more remedies by the Village shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Ordinance created by the law. The fees authorized by this Ordinance shall be a lien in favor of the Village upon the real property served and the personal property of the person used in connection with the water use which gave rise to the fee, and such lien shall be imposed, collected, enforced and paid as provided by the law. No property of any persons shall be exempt from levy and sale on execution issued for the collection of a judgment for any fee imposed by this Ordinance.

C. **Disconnection of service.** Water service may be cut off when any act or omission in regard to the water system or a sewer system (public or private), the use of water or the disposal of liquid wastes jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others. For repeated violations of this Ordinance, the Village may disconnect the violator's building sewer and water service and refuse to provide water and/or sewer service to the violator until assurances satisfactory to the Village are provided by the violator that such violations shall cease.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be in full force and effect after its adoption, approval and publication as provided by law.

Passed, Approved and Adopted this 7th day of October, 2014.

Vote: For: 4 Against: 0

THE VILLAGE SEAL MCORP. 1996 NM

Neal King
Mayor

Attest:

Anna M. Wooldridge
Village Clerk

WATER AND / OR SEWER HOOK – UP APPLICATION

NAME OF APPLICANT:_____

ADDRESS:_____

HOME PHONE:_____OFFICE PHONE:_____

NAME OF BUILDER:_____

BUILDER ADDRESS:_____

FOR BUILDING USE ONLY (BE SPECIFIC)

BUILDING SITE: Legal survey to be attached: yes_____ no_____

BUILDING PLAN: Blue Prints or plumbing riser: yes_____ no_____

BUILDING PERMIT: Number _____ Date_____

ESTIMATED DATE OF START:_____

ESTIMATED DATE OF COMPLETION:_____

==========**FOR OFFICE USE ONLY**==========

APPROVED_____DATE_____PERMIT #_____

DENIED_____DATE_____REASON_____

1ST INSPECTION DATE:_____BY:_____

2ND INSPECTION DATE:_____BY:_____

3RD INSPECTION DATE:_____BY:_____

LOCATION OF WATER TIE-ON SITE ATTACHED: yes_____ no_____
LOCATION OF WATER METER ATTACHED: yes_____ no_____ MIU#_____
LOCATION OF SEWER TIE-ON SITE ATTACHED: yes_____ no_____

SYSTEM DEVELOPMENT FEE: SQUARE FOOTAGE OF UNIT/1,200 = EQR._____

#EQR_____ X $4,416 WATER=_____#EQR_____ X $3,556 SEWER=_____

Total Amount due _____Check #_____Date_____by (Staff initials)_____

BEGINNING RATE PER MONTH: Water _____Sewer_____

HOOK UP DATE: _____BY:_____