

**THE VILLAGE OF TAOS SKI VALLEY**

**ORDINANCE NO. 2015-38**

**AN ORDINANCE ADOPTING REGULATIONS FOR WATER 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 Water Use 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 water is used.

**SECTION 1-3. PURPOSE**

The purpose of this Ordinance is to preserve and protect the environmental quality of the potable water within the Village by limiting and decreasing the use of private wells and springs and encouraging the citizens of the Village to connect to the Village’s municipal water system, thereby reducing the potential for ground water source pollution within the Village.

**SECTION 1-4. PLANNING**

The Village shall develop a plan to extend its water lines so that all lands within the Village have water available through the municipal water system subject to the Village’s connection charges.

**SECTION 1-5. CONNECTION CHARGES**

The Village shall adopt by resolution system development fees, line extension charges and rates for water usage.

**SECTION 1-6. CIRCUMSTANCES REQUIRING CONNECTION TO THE VILLAGE’S WATER SYSTEM**

A. The owner, agent in charge or occupant of any building on a lot or land whose property line is located within 300 feet of the Village’s water distribution line and whose lot or land is located within the exterior boundaries of the Village shall connect such building or lot to the Village’s water distribution line if water is used, consumed, or furnished on the lot. Alternatively, an owner may elect to drill a water well only if the Owner can demonstrate compliance with the conditions set forth in Section 1-7 below.

B. Certificate of Occupancy. For new construction, an applicant for a Certificate of Occupancy must effectuate the connection to the Village water distribution line, or alternatively, connection to a water well that meets the requirements of Section 1-7 below, before a Certificate of Occupancy is issued.

### **SECTION 1-7. REGULATIONS FOR THE DRILLING OF NEW DOMESTIC WATER WELLS**

A. This subsection is enacted pursuant to the authority of Section 3-53-1.1 and Section 3-53-1.2 NMSA.

B. No new domestic water wells shall be drilled within the municipal boundaries of the Village of Taos Ski Valley except pursuant to a domestic water well permit issued by the Village Planning Director.

C. An application for a Village domestic water well permit may only be filed subsequent to approval of a state domestic water well permit issued by the New Mexico State Engineer pursuant to Section 72-12-1.1 NMSA. The Village shall act upon all domestic water well permit applications for properties within the municipal boundaries within thirty days of the request.

D. Subject to paragraph E below, the domestic water well permit application shall be denied if the applicant's property is within the Village's municipal boundaries and the nearest property boundary is within three hundred feet of a Village water distribution line. Water service to the applicant's property shall be provided by the Village within ninety days of the denial of the domestic well permit application, subject to the Village's system development fees.

E. The Village Planning Director shall grant a domestic well permit if the applicant can demonstrate that the total cost to the applicant of extending the municipal water distribution line, meter and hook-up to the applicant's residence exceeds the cost of drilling a new domestic water well. If the total cost of connecting an applicant's residence to the Village water system, including costs incurred by extending the service line, purchasing a meter (not to include utility expansion charges or similar charges) and physically connecting to a residence is greater than the cost of drilling a new domestic water well, the domestic water well permit application shall be approved regardless of the property's distance from the Village water distribution lines. The applicant is responsible for demonstrating the cost of drilling a domestic well on the subject property and shall present to the Village a written quote by a well driller licensed by the state of New Mexico. The Village Planning Director shall determine whether the bid and cost analysis submitted are reasonable.

F. For domestic water well permit applications approved within the municipal boundaries, the following conditions shall be met:

- (1) The well shall be metered to Village specifications and monthly usage shall be recorded and reported annually to the Village Planning Director.
- (2) The well shall be constructed to standards established by the New Mexico State Engineer, the New Mexico Environment Department, and the Village of Taos Ski Valley.
- (3) The well shall be drilled by a licensed driller.
- (4) The well owner shall be subject to the imposition by the Village of such other conditions or requirements as may be necessary to preserve and protect the public health, safety and general welfare of its citizens.

### **SECTION 1-8. EXISTING WELLS AND SPRINGS**

All wells and springs in existence at the time of adoption of this Ordinance that are utilized to furnish water for domestic use must be and remain in compliance at all times with all applicable ordinances, statutes and regulations of the Office of the New Mexico State Engineer, the New Mexico Environment Department, and Village of Taos Ski Valley.

### **SECTION 1-9. RESTRICTIONS ON WATER CONNECTIONS, METERS REQUIRED**

No new or existing private well or spring shall be connected in any way to the Village's municipal water system. Any new or existing private well or spring furnishing water to a building within the Village limits which is connected to the Village sewer system must have a meter installed by the Village to provide accurate meter readings of the water introduced into the building. The Village shall have the right of access at all times to inspect and read the meter. The cost of installing the meter shall be borne by the owner, agent in charge or occupant of the building using the well or spring.

### **SECTION 1-10. REQUIREMENT FOR PERMIT TO CONNECT**

A. No person shall tie into, make installation with or in any way connect to the water lines of the Village without first paying the system development fees as required by Village Ordinance and obtaining the required connection permit from the Village Planning Director.

B. A permit shall be issued in the name of the owner of the property to be connected, but no person shall tie into, make installation with or in any way connect to the water lines of the Village unless the person or agent 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 to a Village water line without first obtaining the required permit or to cause connection work to be performed by a person not appropriately licensed by the New Mexico Construction Industries Division.

## **SECTION 2. APPLICATION PROCEDURE**

### **SECTION 2-1. APPLICATION**

#### Municipal Water Services

A. Applications for municipal water services may be obtained at the Village office. The completed application for municipal water services shall be submitted to the Village Planning Director who shall approve or disapprove such application as provided in this Ordinance.

B. The application shall contain the following information:

- (1) Name of applicant;
- (2) Site address of proposed connection;
- (3) Nature and amount of proposed annual use of municipal water services.

#### Domestic Well

A person seeking to use a domestic well shall submit the following information:

- (1) Name of applicant;
- (2) Site address of proposed well;
- (3) Well permit issued to applicant by the Office of the New Mexico State Engineer.

**SECTION 2-2. APPROVAL OR DISAPPROVAL**

**A. Municipal Water Service.**

The Village Planning Director shall approve or disapprove each new application for municipal water services in accordance with this Ordinance and rules and regulations that may be adopted from time to time by the Village.

**B. Domestic Well.**

The Village Planning Director shall issue or deny a permit for construction of a domestic well in accordance with this Ordinance and rules and regulations that may be adopted from time to time by the Village.

**SECTION 2-3. NOTICE OF DECISION ON APPLICATION**

The Village Planning Director shall approve or disapprove the application for municipal water services or domestic well construction permit within thirty days of submission of such application and shall immediately transmit its decision to the applicant by United States or electronic mail.

**SECTION 2-4. VILLAGE’S RIGHT TO REFUSE OR SUSPEND**

The Village may refuse or suspend the furnishing of municipal water services when the Village Planning Director determines such action will provide for the safety or preserve the health or protect the property of municipal citizens. The user may request a hearing pursuant to Section 3 herein within ten days after receiving notice of refusal or suspension of water services. During the pendency of the hearing and any appeal (if necessary), the refusal to provide water services or the suspension of the furnishing of water services shall remain in effect until the decision is reversed on appeal or the Planning Director no longer determines that the suspension or refusal is necessary to provide for the safety, preserve the health or protect the property of municipal citizens.

**SECTION 3. HEARING REQUESTS**

**SECTION 3-1. GENERALLY**

Any person whose application for municipal water services has been disapproved, whose domestic well application has been denied, or who is aggrieved by the application of Section 2-4 above may request a hearing as specified in this section.

**SECTION 3-2. PROCEDURE**

Any person requesting a hearing shall deliver a request for hearing to the Village Council by a written request delivered to the Village Administrator not later than ten days of receipt of the decision disapproving an application for municipal water services or an application for a domestic well permit. The Village Council shall hold a hearing on the appeal within thirty days from the date of the filing of the decision. Notice of hearing shall be given to the user at least five days prior to such hearing. The Council shall render its decision within five days after hearing the matter and shall immediately give notice by mail of such decision to the user. Appeal from the Village Council’s decision shall be to the Eighth Judicial District Court in the manner provided by law.

**SECTION 4. PENALTIES AND REMEDIES**

**SECTION 4.1 PENALTIES, CONTINUING VIOLATIONS, AND REMEDIES**

Any person violating any of the provisions of this ordinance or failing to comply with any order made hereunder, or failing to comply with an order as affirmed by the governing body or by a court of competent jurisdiction within the time defined herein, shall be punished as follows:

A. First by a written warning.

B. Subsequently by a fine not to exceed \$100.00 if the violation continues or is not remedied within ten days after issuance of the written warning. The imposition of a penalty for any violation shall not excuse the violation or permit the violation to continue.

#### **SECTION 4.2 ADDITIONAL ENFORCEMENT REMEDIES**

In addition to the penalties stated in Section 4.1 above, the Village retains the right to enforce and compel compliance with this Ordinance by:

A. Disconnecting water service upon reasonable notice to the owner. Water service may be disconnected from a property or structure when any act or omission regarding the water system or the use of water on any property, public or private, jeopardizes the public health or safety, creates a public nuisance or interferes with the rights of others

B. Charging an owner with all costs, including but not limited to actual costs, administrative costs, and legal fees incurred by the Village to undertake enforcement action in the interest of public safety.

C. Filing a lien against the property in the amount of the costs incurred by the Village pursuant to Section 4.2.B above;

D. All other remedies available under the law.

#### **SECTION 5. 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 \_\_\_\_ day of \_\_\_\_\_, 2015.

Vote: For      Against

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk