

## **SECTION 9-3**

### **SEWER SERVICE ORDINANCE**

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ORDINANCE REVISED 04/19/07

**9-3-1 SHORT TITLE**

- A. This title shall be known as the Sewer Service Ordinance.

**9-3-2 SEWER UTILITY ESTABLISHED**

- A. The Village sewer system is hereby declared to be established for the health, safety and welfare of the Village of Bosque Farms, New Mexico for the purposes of operation, management, accounting, and for the billing and collection of user fees, connection fees and other charges.
- B. The completion of the Sewer System and the availability of Service is subject to the availability of funding for the design and construction of the system.

**9-3-3 APPLICABILITY**

- A. This article shall govern the collection and disposal of Sewage and polluted water within the Village of Bosque Farms, New Mexico.
- B. Service shall only be provided within the Village’s municipal boundaries except as otherwise provided in this Ordinance.
- C. On a case-by-case basis approved by the Governing Body to protect the health, safety and welfare of the Village, Service may be provided to Customers outside the Village at terms and fees established by the Village.

**9-3-4 DEFINITIONS**

- A. The following definitions shall be applicable whenever the defined term is used in this Ordinance:
  - 1. “Applicant” means any property owner or agent who has submitted an Application for Service.
  - 2. “Application” means the Application a Customer submits to the Village for Service. An Application includes required attachments and supplemental information.
  - 3. “Clerk/Administrator” means the Village of Bosque Farms Clerk /Administrator.
  - 4. “BOD” means five-day biochemical oxygen demand as determined by Standard Methods.
  - 5. “COD” means chemical oxygen demand as determined by Standard Methods.

6. “Commercial Customer” means any Customer who is not a Residential Customer.
7. “Control Panel” means the Grinder Pumping Unit’s electrical disconnect panel, alarm device, and wiring from the Control Panel to the Grinder Pumping Unit.
8. “Customer” means any Person receiving Service.
9. “Domestic Sewage” means waste water normally generated in, and normally disposed of in, bathrooms, rest rooms and residential kitchens. Also included in Domestic Sewage is waste water normally generated in cleaning and maintaining homes and commercial and institutional facilities and normally disposed of in interior building waste water drainage systems provided such waste water does not contain any Prohibited Sewage.
10. “Drainage Water” means any water draining from roofs, patios, driveways, parking areas, areas outside buildings or areas flooded by storm water. Also included is any ground water, which is pumped by the Customer but not used for normal domestic uses in a building or any ground water that may seep into the Customer’s Gravity Sewer Service Line.
11. “Double Grinder Pumping Unit” means a Grinder Pumping Unit having two grinder pumps.
12. “Easement” means the Easement granted by an Applicant/Customer to the Village for installation, operation and maintenance of the Grinder Pumping Unit and Pressure Service Line.
13. “Gravity Sewer Service Line” means the Customer’s gravity sewer service pipe which transmits the Customer’s Sewage to the Grinder Pumping Unit.
14. “Grease Trap” means a Utilities Director approved Customer provided and maintained device designed to remove grease and oil from the Customer’s waste water.
15. “Grinder Pumping Unit” means the Village’s Sewage Grinder Pumping Unit including grinder pump(s), tank, Control Panel and appurtenances.
16. “Governing Body” means the Governing Body of the Village.
17. “Health Officer” means any person or his authorized representative appointed by the Village as the Health Officer (or the Utilities Director if a Village Health Officer has not been appointed) or any New Mexico Environment Department representative charged with approval or inspection of public or private sewage facilities.

18. "Occupied" means the use and possession of a structure for the purpose for which it is designed.
19. "Other Permitted Sewage" means waste water normally generated in commercial or institutional kitchens, laundries or car washes which has passed through the Customer's Grease Trap and/or Sand Trap provided such waste water does not contain any Prohibited Sewage.
20. "Ordinance" means the Sewer Service Ordinance.
21. "Out of Pocket Costs" means all direct costs incurred by the Village for a particular effort including, but not limited to, materials, contracts, engineering, legal services, land, easements, salary for Village employees, plus ten (10) percent of all of these costs. Salary costs shall include all statutory and customary benefits and burdens.
22. "Person" means individuals, partnerships, corporations, associations, societies, clubs, churches, institutions and public bodies, and includes both the masculine and feminine gender.
23. "pH" means the logarithm to the base ten of the reciprocal of the weight of hydrogen ions in grams per liter in solution.
24. "Pressure Service Lateral" means the Village's pressure pipe within the public right-of-way from the Pressure Service Line at the Customer's property line to the Pressure Sewer Line.
25. "Pressure Service Line" means the Village's pressure pipe from the Grinder Pumping Unit to the Pressure Sewer Line including associated valves and appurtenances.
26. "Pressure Sewer Line" means the Village's pressure sewer collection and transmission pipelines into which Sewage is received from Pressure Service Lateral and through which Sewage is transported to the Village's Waste Water Treatment Facility. Pressure Sewer Line includes valves and appurtenances on these lines.
27. "Private Sewage Disposal Unit" means a privately owned sewage disposal facility which meets all the requirements of the New Mexico Environment Department and serves a property/facility which is in compliance with the Village's zoning regulations.
28. "Prohibited Sewage" means any waste water containing Prohibited Substances, or characteristics prohibited by this Ordinance.

29. "Prohibited Substances" means any substance, material, chemical or compound the discharge of which to the Sewer System is prohibited by the Ordinance, or any substance, material, chemical or compound in the Customer's waste water in concentrations greater than those allowed by the Ordinance.
30. "Residential Customer" means any Customer receiving Service for a single family residence or single family dwelling unit with a single kitchen facility which is receiving water from a Village water meter which only serves that single family residence/single family dwelling unit or from its own independent water supply.
31. "Sand Trap" means a Utilities Director approved Customer provided and maintained device designed to remove sand, grit and mud from the Customer's wastewater.
32. "Septage" means any contents or material from a septic tank, cess pool, leach field, privy or vault privy.
33. "Service" means a Customer is connected to the Sewer System or a building/property could be connected to the Sewer System.
34. "Sewage" means all Domestic Sewage and Other Permitted Sewage.
35. "Sewer System" means the sewage collection and disposal system owned and operated by the Village including Grinder Pumping Units.
36. "Single Grinder Pumping Unit" means a Grinder Pumping Unit having one grinder pump.
37. "Slug" means any Customer discharge of waste water to the Sewer System which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, five (5) times the average twenty-four (24) hour concentration or flow from that Customer.
38. "Standard Methods" means the laboratory procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Works Association, the American Water Works Association and the Water Environment Federation.
39. "TDS" means total dissolved solids as determined by Standard Methods.
40. "TSS" means total suspended solids as determined by Standard Methods.

41. "Utilities Director" means the individual hired by the Governing Body to that position. If an individual has not been, or is not currently hired to the position, the Clerk/Administrator shall be the Utilities Director. Utilities Director also means his/her agents or designated representatives.
  42. "Village" means the New Mexico incorporated municipality of the Village of Bosque Farms.
  43. "Waste Water Master Plan" means the Bosque Farms Wastewater Facilities Plan dated July 1995.
  44. "Waste Water Treatment Facility" means the Village's facility which receives Sewage from Pressure Sewer Lines and treats such Sewage.
- B. "Shall" is mandatory; "may" is permissive.

#### **9-3-5 UTILITIES DIRECTOR**

- A. The Utilities Director shall serve under the direction of the Clerk/Administrator.
- B. The Utilities Director shall supervise and manage the Sewer System including construction, installation, operation, maintenance, repair, replacement, Ordinance enforcement, and other duties in connection with the Sewer System as the Governing Body and Clerk/Administrator may prescribe from time-to-time.

#### **9-3-6 MANAGEMENT, RULES, REGULATIONS AND STANDARDS**

- A. The Village shall make and enforce such rules, regulations and standards as it may deem necessary for the safe, efficient and economical management of the Sewer System. Any construction and connection to the Sewer System shall be in compliance with this Ordinance's requirements and standards and with the Village's planning and zoning regulations, which are incorporated into and made part of this Ordinance.

#### **9-3-7 UNAUTHORIZED DISPOSAL**

- A. Except as specifically provided hereinafter in this Ordinance, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended for the disposal of Sewage or Prohibited Sewage.
- B. It shall be unlawful to discharge to any natural outlet, to the ground or to ground water any Sewage, Prohibited Sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

**9-3-8 PRIVATE SEWAGE DISPOSAL**

- A. Private sewage disposal may be used for a building prior to the connection of such building to the Sewer System being required under subsequent provisions of this Ordinance.
- B. Private sewage disposal shall be accomplished with a Private Sewage Disposal Unit. The owner of a Private Sewage Disposal Unit shall operate and maintain the unit in a sanitary manner at all times.
- C. When a property, served by a Private Sewage Disposal Unit is connected to the Sewer System within ninety (90) days of the connection to the Sewer System, the Private Sewage Disposal Unit shall:
  - 1. Have its contents removed and disposed of in accordance with State requirements, and
  - 2. Be removed from the property, or
  - 3. Be filled with uncontaminated sand or gravel, in accordance with the Uniform Plumbing Code or Village Standards.
- D This Ordinance’s provisions for private sewage disposal shall not limit or be construed to interfere with any reasonable requirements that may be imposed by a Health Officer.

**9-3-9 CONNECTION REQUIRED**

- A. The owner of each lot or parcel of real property within the Village limits shall connect to the Sewer System if the Sewer System is within 200 feet of the lot or parcel and if one of the following conditions occurs:
  - 1. A new building or structure is constructed on an undeveloped lot and use of the new building or structure generates wastewater;
  - 2. An existing building or structure, which is served by an existing Private Sewage Disposal Unit, is removed from the property or demolished and is replaced by a new structure that is required to be placed on a permanent foundation and which generates wastewater;
  - 3. An existing Private Sewage Disposal Unit has failed and needs repair or replacement as determined by the New Mexico Environment Department; or

4. An existing building or structure, which is serviced by a Private Sewage Disposal Unit, is remodeled or repaired in such a manner that the drain field would have to be expanded, as required by the New Mexico Environment Department. In such a case, the entire structure would have to be served by the Sewer System.

B. The owner of such a property must:

1. Submit an Application with payment,
2. Connect to the Sewer System within ninety (90) days of the date of the Sewer Grinder Pump installation.

C. Right-of-way. No installation will be made that is not within the Village right-of-way or within the limits of a right-of-way permit which is held in the name of the Village. It shall be the responsibility of the customer or customers extending the main to obtain all rights-of-way and utility permits. The Village, at its option, may require the customer to obtain a right-of-way certification from a qualified attorney and or surveyor, such right-of-way to be dedicated and accepted by the Village of Bosque Farms prior to any type of utility installation.

D. Ownership. Upon completion and acceptance by the Village of the sewer main and appurtenances, all material within the public right-of-way or a utility easement shall become the property of the Village.

(Rev 08/01)

### **9-3-10 APPLICATION REQUIRED**

A. An Application from an Applicant shall be from all applicants. An Application shall include:

1. For all Applicants:
  - a. Completed Application form,
  - b. All required fees, and
  - c. Easement documentation.
2. For Applicants who will be Commercial Customers:
  - a. Other information deemed necessary by the Utilities Director so the Utilities Director can determine:
    - (1.) The acceptability of the anticipated Sewage,

- (2.) The type and number of Grinder Pumping Units required,
  - (3.) Other requirements for providing Service including, but not limited to the need for Grease Traps and Sand Traps, and
3. For multiple buildings receiving water from a single Village water meter, the Application shall be submitted by the Person responsible for the water service.
  4. The Utilities Director may undertake such investigations and require such information from an Applicant about the Applicant's facilities and proposed discharges to the Sewer System as the Utilities Director deems reasonably necessary to verify:
    - a. Compliance with the Ordinance and Village's standards,
    - b. Appropriateness of the Applicant's requested location for the Grinder Pumping Unit, Control Panel and Pressure Service Line,
    - c. Verifies any special requirements such as, but not limited to, Grease Traps, Sand Traps are installed by the Applicant and are operational, and
    - d. Determines Service is available.

**9-3-11 SAND TRAPS AND GREASE TRAPS MAY BE REQUIRED**

- A. Grease Traps shall be installed and maintained in the Gravity Service Lines leading to all Double Grinder Pumping Units with the following exception:
  1. Grease Traps shall not be required for Double Grinder Pump Units, which only serve multiple single-family residential dwelling units.
- B. Sand Traps shall be installed and maintained in the Gravity Service Lines leading to Grinder Pumping Units serving car washes, schools, day care facilities, commercial laundries and laundromats.
- C. Should the Utility Director's inspection of a Grinder Pumping Unit indicate excessive grease, oil, sand or mud, the Utility Director shall give the Customer notice and the Customer shall install the new and/or additional Sand Traps and/ Grease Traps required by the Utilities Director within sixty (60) days of the notice.
- D. Customers shall operate and maintain Grease Traps and Sand Traps to prevent any accumulated grease, oil, sand or mud from being discharged to the Sewer System.

- E. The Utilities Director shall periodically inspect Grease Traps and Sand Traps to verify compliance with this Ordinance. Customers shall allow reasonable access to Grease Traps and Sand Traps for inspection and monitoring.

**9-3-12 RESPONSIBILITIES FOR MAKING CONNECTIONS**

- A. For properties where building was served by Private Sewage Disposal Unit prior to connection to Sewer System:
  - 1. Applicant's shall be responsible for:
    - a. Submitting an Application.
    - b. Selecting the location for the Grinder Pumping Unit, Pressure Service Line, Control Panel and wiring between the Control Panel and the Grinder Pumping Unit, subject to the concurrence of the Utilities Director.
    - c. Uncovering the Gravity Sewer Line that will be connected to the Grinder Pump Unit so the Village can determine the orientation for the Grinder Pumping Unit's Gravity Service Line connection point.
    - d. Precisely locating and marking horizontally and vertically any Customer owned buried water pipes or other buried improvements prior to the Utilities Director installing the Grinder Pumping Unit and the Pressure Service Line.
    - e. Removing and replacing any fencing required to allow the Utilities Director access for installation of the Grinder Pumping Unit or the Pressure Service Line.
    - f. Restoring landscaping, ground surface material and any other Customer owned improvements required as a result of Village's installation of the Grinder Pump Unit or Pressure Service Line.
    - g. Selecting the Applicant's licensed electrician (or obtaining a homeowner's permit from the State for the required electrical work).
    - h. Having the Applicant's licensed electrician (or accomplished by the Applicant under a State homeowner's permit) install the Control Panel and associated wiring from the Control Panel to the Grinder Pump Unit in accordance with applicable codes and Village standards. (Requires State Inspection).
    - i. Selecting the Applicant's licensed plumber (or obtaining a homeowner's permit from the State for the required plumbing work).

- j. Having the Applicant's licensed plumber (or accomplished by the Applicant under a state homeowner's permit):
  - (1) Connect the Gravity Service Line to the Grinder Pumping Unit in accordance with applicable codes and Village standards. (Requires State Inspection).
  - (2) Arrange for the Utilities Director to activate the Grinder Pumping Unit.
  - (3) Provide additional efforts as necessary if the Grinder Pumping Unit cannot be activated when planned.
  
- 2. The Clerk/Administrator shall be responsible for:
  - a. Preparing the application forms and giving it to Utilities Director.
  - b. Billing Applicant or Customer for any special charges incurred in installation of Grinder Pumping Unit or Pressure Service Line.
  - c. Begin monthly billing to the Customer when application is returned indicating Customer is connected to Sewer System or 90 days after Grinder Pumping Unit has been installed, whichever comes first.
  
- 3. Utilities Director shall be responsible for:
  - a. Verifying the Applicant's proposed locations for the Grinder Pumping Unit, Control Panel and Pressure Service Line are in conformance with this Ordinance and Village standards.
  - b. Installing of Grinder Pump Unit, Pressure Service Line and Pressure Service Lateral.
  - c. Connecting the Pressure Service Line to the Grinder Pumping Unit, connecting the Pressure Service Line to the Pressure Service Lateral, and connecting the Pressure Service Lateral to the Pressure Sewer Line.
  - d. Determining if any special charges are to be paid by Customer for installation and informing Clerk/Administrator of such charges.
  - e. Verifying the Grinder Pumping Unit and Control Panel is operating properly.

- f. Verifying any water meters, Grease Traps, Sand Traps or other facilities required by this Ordinance or as a condition of providing Service are installed and operating properly.
- B. For properties where building was not served by Private Sewage Disposal Unit prior to connection to Sewer System:
- 1. Applicant's shall be responsible for:
    - a. Submitting Application.
    - b. Having building designed and constructed to allow installation of Grinder Pumping Unit, Control Panel and Pressure Service Line in accordance with Village Standards and applicable codes.
    - c. Selecting the location for the Grinder Pumping Unit, Pressure Service Line, Control Panel and wiring between the Control Panel and the Grinder Pumping Unit, subject to the concurrence of the Utilities Director.
    - d. Selecting the Applicant's licensed electrician (or obtaining a homeowner's permit from the State for the required electrical work).
    - e. Having the Applicant's licensed electrician (or accomplished by the Applicant under a State homeowner's permit) install the Control Panel and associated wiring from the Control Panel to the Grinder Pump Unit in accordance with applicable codes and Village standards. (Requires State Inspection).
    - f. Selecting the Applicant's licensed plumber (or obtaining a homeowner's permit from the State for the required plumbing).
    - g. Having the Applicant's licensed plumber (or accomplished by the Applicant under a state homeowner's permit):
      - (1) Connect the Gravity Service Line to the Grinder Pumping Unit in accordance with applicable codes and Village standards. (Requires State Inspection).
      - (2) Arrange for the Utilities Director to activate the Grinder Pumping Unit.
  - 2. The Clerk/Administrator shall be responsible for:
    - a. Preparing the Application forms and giving it to Utilities Director.

- b. Billing Applicant/Customer for any special charges incurred for the Grinder Pumping Unit provided by the Village or for the inspection of the installed Grinder Pumping Unit, Pressure Service Line or Control Panel.
  - c. Begin monthly billing to the Customer when Application is returned indicating Customer is connected to Sewer System or 90 days after Grinder Pumping Unit has been installed, whichever comes first.
3. Utilities Director shall be responsible for:
- a. Verifying the Applicant's proposed locations for the Grinder Pumping Unit, Control Panel and Pressure Service Line are in conformance with the Ordinance and Village standards.
  - b. Installing Grinder Pumping Unit and installing the Pressure Service Lateral and connecting to Pressure Sewer Line unless such was provided by the subdivision developer under the terms of this Ordinance.
  - c. Determining if any special charges are to be paid by Applicant/Customer for installation and informing Clerk/Administrator of such charges.
  - d. Verifying the Grinder Pumping Unit and Control Panel is operating properly.
  - e. Verifying any water meters, Grease Traps, Sand Traps or other facilities required by this Ordinance or as a condition of providing Service are installed and operating properly.

**9-3-13 CUSTOMER'S CONTINUING RESPONSIBILITIES**

- A. Removing and replacing any fencing required to allow the Utilities Director access for repair or replacement of the Grinder Pumping Unit or the Pressure Service Line.
- B. Restoring landscaping, ground surface material and any other Customer owned improvements required as a result of Utilities Director's maintenance, repair or replacement of the Grinder Pump Unit or Pressure Service Line.
- C. **Preventing damage to the installed Grinder Pump Unit and Pressure Service Line.**
- D. Providing electricity for the operation of the Grinder Pumping Unit and maintaining Customer owned wiring up to the Control Panel.
- E. Monitoring the Grinder Pumping Unit's alarm device and notifying the Village of all alarms.

- F. Observing the Grinder Pumping Unit for visible or other noticeable indications of unit failure, improper operation or damage and notifying the Village of such indications.
- G. **Maintaining site grading, drainage and irrigation so surface water does not accumulate within four (4) feet of the Grinder Pumping Unit.**
- H. **Maintaining landscaping so the Control Panel and Grinder Pumping Unit are easily visible and assessable.**
- I. Complying with this Ordinance.

**9-3-14 REQUIREMENTS FOR NEW LAND SUBDIVISIONS**

- A. These requirements apply to all subdivisions, which do not have final plat approval prior to July 1, 1998.
- B. The subdivision plat shall include dedication of an Easement for each lot.
- C. The subdivision shall be designed and constructed so the requirements subsequently given in this Ordinance for new buildings can be readily accomplished.
- D. The subdivision developer shall install all Pressure Sewer Lines and all Pressure Service Laterals within the subdivision required to serve all lots and dedicate such lines to the Village upon the Village's acceptance. The installed Pressure Sewer Lines and Pressure Service Laterals shall include required appurtenances, shall be constructed in accordance with the Village's standards, shall be constructed in accordance with engineered construction drawings approved by the Utilities Director, and shall be subject to the inspection and approval of the Utilities Director.
- E. The subdivision developer shall prepay the Village for one hundred twenty (120) percent of the estimated Out of Pocket Costs the Utility Director estimates the Village will incur in designing and installing all Pressure Sewer Lines outside of the subdivision required to serve the subdivision. When installation of the lines is completed by the Village, the Village will reimburse the developer for any portion of the prepayment not incurred by the Village or the developer shall pay the Village for any costs incurred above the prepayment.
- F. The location and size of all Pressure Sewer Lines shall be in accordance with the Waste Water Master Plan if indicated therein. If the location and size of the Pressure Sewer Lines is not indicated in the Waste Water Master Plan, the Utilities Director shall determine the size and location to serve all future Customers that could be served by the lines. The Utilities Director shall be the final authority in making such determination.

### **9-3-15 REQUIREMENTS FOR NEW BUILDINGS**

- A. These requirements apply to buildings for which building permits are not issued prior to July 1, 1998. Buildings shall be designed and constructed so:
1. The Control Panel is installed (or can be installed if not installed prior to building being Occupied) within fifty (50) feet of the Grinder Pumping Unit and so it is visible from the adjacent Pressure Sewer Line to which the building is (or will be) connected.
  2. The building's Gravity Service Line can be connected to a Grinder Pumping Unit at an invert elevation so that for:
    - (a) A Single Grinder Pumping Unit, the Gravity Service Line shall not be more than thirty-five (35) inches below the finished ground surface where the unit will be installed.
    - (b) A Double Grinder Pumping Unit, the Gravity Service Line shall not be more than fifty (50) inches below the finished ground surface where the unit will be installed.
- B. On a case-by-case basis, the Utilities Director may modify these requirements if the application would be impractical for a particular building. If so modified, the Customer shall reimburse the Village for any additional Out of Pocket Costs the Village incurs in allowing the modification. Such Out of Pocket Costs shall include costs associated with allowing Gravity Service Line depths deeper than indicated above. The Utilities Director shall be the final authority as to what modification, if any, to allow.

### **9-3-16 SEWAGE CHARACTERISTICS**

- A. No Person shall discharge anything but Sewage into the Sewer System.
- B. No Person shall discharge any Drainage Water, Prohibited Sewage or Prohibited Substances into the Sewer System.
- C. Prohibited Sewage is waste water which:
1. Contains Prohibited Substances.
  2. Has a pH less than 5.5 or greater than 9.5.
  3. Has a corrosive property capable of causing damage to any portion of the Sewer System.

4. Is discharged as a Slug.
5. Includes unpolluted waters.
6. Has a temperature higher than one hundred fifty (150) degrees Fahrenheit.
7. Causes Interference with the Waste Water Treatment Facility.
8. Has been diluted to reduce the concentration of toxic materials or Prohibited Substances.

D. Prohibited Substances include:

1. BOD greater than 300 milligrams per liter.
2. COD greater than 400 milligrams per liter.
3. TSS greater then 300 milligrams per liter.
4. TDS greater than 200 milligrams per liter more than the TDS found in the Village water system.
5. Fats, grease, wax or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter.
6. Any of the following metals in concentrations greater than one hundred fifteen (115) percent of the concentration found in the Village water system:  
Antimony, arsenic, barium, beryllium, bismuth, boron, cadmium, chromium (hexa and tri), cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, rhenium, selenium, silver, strontium, tellurium, tin, uranyl ion, zinc.
7. Gasoline, benzine, naphtha, fuel oil, diesel fuel or other flammable or explosive liquid, solid or gas.
8. Motor oil.
9. Antifreeze.
10. Herbicides or pesticides.
11. Septage.

12. Toxic or poisonous solids, liquids or gases (in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste water facility, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the Waste Water Treatment Facility's receiving water or residuals disposal methods).
13. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Grinder Pumping Units, Pressure Service Lines or Pressure Sewer Lines or causing interference with the proper operation of the Sewer System. These substances include, but are not limited to ashes, cinders, sand, mud, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, manure, hair, entrails, paper dishes, paper cups, milk containers, plastic eating utensils, and straws either whole or ground by garbage grinders.
14. Substances, which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit.
15. Garbage that has not been properly shredded.
16. Garbage from any shredder or grinder larger than those normally manufactured and sold for residential and noncommercial use or from more than one shredder or grinder discharging to a Grinder Pumping Unit.
17. Substances, which are not amenable to treatment or reduction by the Waste Water Treatment Facility such that the treated water or residuals do not meet applicable legal or regulatory requirements.
18. Water or wastes from vehicle repair facilities, industrial facilities, equipment repair facilities, or from any other commercial or institutional facility or operation which could generate any process, spill or wash down waste water with the exception strictly Domestic Sewage and/or Permitted Sewage can be discharged from such facilities if the Customer's facilities and drainage arrangements provide positive physical protection so other water or wastes can not reach the Customer's Gravity Service Line.

**9-3-17 DAMAGE TO SEWER SYSTEM**

- A. It shall be unlawful for any Person to remove or damage any part of the Sewer System, or to excavate any street, alley, sidewalk or Easement without the permission of the Utilities Director.
- B. The sewer system is hereby classified as "High Profile" that requires an excavation permit and line exposure when working within five (5) feet of the Sewer System.

- C. Any person or utility company is required to obtain an excavation permit from the Village for all work requiring an excavation of any kind. The Village shall provide the permit on the same day that the actual excavation will occur. The utility company shall notify the Village when a crew is on its way to allow the Village Utility Department personnel to be present to approve the permit.
- D. Should any excavation occur inside the Village limits without an excavation permit, the Village may impose an administrative charge up to \$300.00.
- E. Any damage to the Sewer System caused during excavation without a permit will result in an administrative fee of \$1,000.00 plus the cost of the repair and/or replacement to the Sewer System.
- F. Any damage to the Sewer System caused during excavation with a permit as a result of negligence will result in a charge of \$300.00 plus the cost of the repair and/or replacement to the Sewer System.
- G. Telephone and Cable Television lines shall be installed at a depth of 24-inches within the right-of-way.

**9-3-18 EMERGENCY SHUTOFF TO REPAIR SYSTEM**

- A. The Utilities Director shall have the right at any time, without notice, to shut off any Grinder Pumping Unit and/or any Pressure Sewer Line for the purpose of necessary repairs. In that event, the Village shall not be liable for any damages occasioned by the interruption of sewer service.

**9-3-19 CONNECTION FEES**

- A. Fees for connecting buildings to the Sewer System shall be as follows:
  - 1. Single Grinder Pumping Unit: \$1685.00
  - 2. Double Grinder Pumping Unit: As per market value at the time application is submitted.  
(Rev 01/05)
  - 3. Plus \$2.00 per linear foot for each linear foot of Pressure Service Line required above 200 linear feet.
- B. For any Customer where the served property is located on a private road in the Village, in addition to the connection fee, the Customer shall pay the Out of Pocket Costs incurred in extending the Pressure Sewer Line and installing the Pressure Service Lateral required to provide Service to all lots on private road. See 9-3-9 D. Right-of-Way.

1. For Customers who submit Application and pay fee within 90 days of notice that service is available:
  - a. Single Grinder Pumping Unit: \$750.00
    - (1.) \$200.00 with Application
    - (2.) \$50.00 minimum per month without interest until the Customers billing cycle begins.
  
2. If the customer does not connect within ninety (90) days of when service is available then the customer will be considered to be on stand-by and the following applies:
  - a. If the (stand-by) applicant connects to the sewer system within twenty-four (24) months of notification that service is available, there will be an additional charge of \$200.00 due upon connection to the sewer system.
  - b. If the (stand-by) applicant does not connect within the 24 months, the connection fee shall be adjusted to the maximum allowed for that class of applicant.
  
- C. For any Customer where the served property is outside the municipal boundaries of the Village, in addition to the connection fee determined by the Governing Body, the Customer shall pay the Out of Pocket Costs incurred in extending the Pressure Sewer Line and installing the Pressure Service Lateral required to provide Service.
  
- D. If a Customer requests an existing Grinder Pumping Unit be relocated on the served property, the Customer shall pay the Village all Out of Pocket Costs incurred in moving, replacing, partially replacing, disconnecting and reconnecting the Customer's Grinder Pumping Unit, which may include an additional connection fee.
  
- E. If a Customer is required to replace an existing Single Grinder Pumping Unit with a Double Grinder Pumping Unit due to water usage above that allowed for a Single Grinder Pumping Unit, or if a Customer is required to install additional Grinder Pumping Units:
  1. A new Application shall be submitted with an additional connection fee. The connection fee shall be determined as if the building were not served by a Private Sewage Disposal Unit prior to connection to the Sewer System.

2. The Customer shall have the existing Control Panel (except for buried wires) removed by the Customer's electrician and returned in reusable condition to the Village. The Village may, but is not required to, remove part or all of the existing Grinder Pumping Unit and/or Pressure Service Line.
  3. The installation of the Grinder Pumping Unit, Control Panel and Pressure Service Line will be as if the property had not had Service and had never been served with a Private Sewage Disposal Unit.
- F. An Applicant may sign a note with the Village and pay the connection fee as follows for each Grinder Pumping Unit the Applicant requires:
1. Single Grinder Pumping Unit:
    - a. Twenty percent (20%) down with Application
    - b. The Village will finance the remaining balance for twelve (12) months with interest at the rate of .833% per month on the unpaid balance. The final payment, with interest, will be due and payable on the 12<sup>th</sup> month following the date note is executed by applicant.
    - c. Should an Applicant/Customer fail to make the note payments when due:
      - (1.) The remainder of the note shall become immediately due.
      - (2.) Should the Applicant/Customer demonstrate to the Clerk/Administrator that an economical hardship exists; a time extension for payment may be granted. The Clerk/Administrator shall be the final authority in determining if a time extension shall be granted.
  2. For Double Grinder Pumping Unit:
    - a. Twenty percent (20%) down with Application. Rev (01/05)
    - b. The Village will finance the remaining balance for twelve (12) months with interest at the rate of .833% per month on the unpaid balance. The final payment, with interest, will be due and payable on the 12<sup>th</sup> month following the date note is executed by applicant.
    - c. Should an Applicant/Customer fail to make the note payments when due:
      - (1) The remainder of the note shall become immediately due.

(2) Should the Applicant/Customer demonstrate to the Clerk/Administrator that an economical hardship exists; a time extension for payment may be granted. The Clerk/Administrator shall be the final authority in determining if a time extension shall be granted.

d. The Village shall bill note payments with the Customer's monthly water and/or sewer bills.

G. A deposit of \$25.00 will be required from any Customer not on the Village Water System. The deposit shall be held by the Village of Bosque Farms and shall be returned upon notice of disconnection and full payment of consumer's sewer bill.

**9-3-20 SEWER USE FEES**

A. The monthly sewer use fees shall be as follows:

1. Residential Customers connected to Village water:

a. Minimum fee for:

(1) Single Grinder Pumping Unit \$20.00.

b. Plus commodity fee of:

(1) \$2.00 per 1,000 gallons (or portion of one thousand gallons) of water used above 7,000 gallons during month.

2. Residential Customers not connected to Village water:

a. Minimum fee for:

(1) Single Grinder Pumping Unit \$25.00.

3. Commercial Customers Connected to Village Water or Master Water Meter Customers:

a. Minimum fee for:

(1) Single Grinder Pumping Unit \$20.00.

(2) Double Grinder Pumping Unit \$35.00.

(3) Specialty Grinder Pumping Unit- To be determined based on type and use of grinder pump. (Rev 01/05)

- b. Plus commodity fee of:
  - (1) \$2.00 per 1,000 gallons (or portion of one thousand gallons) of water used above 7,000 gallons during month.
- 4. Commercial Customers not Connected to Village Water:
  - a. Minimum fee for:
    - (1) Single Grinder Pumping Unit \$25.00.
    - (2) Double Grinder Pumping Unit \$35.00.
    - (3) Specialty Grinder Pumping Unit- To be determined based on type and use of grinder pump. (Rev 01/05)
- 5. For Commercial Customers having more than one Grinder Pumping Unit, 7,000 gallons per Grinder Pumping Unit shall be allowed before a commodity fee is charged.
- 6. If a Customer can adequately demonstrate to the Utilities Director's satisfaction a single high month of water use was the result of a break in the Customer's plumbing system, the Utilities Director may recommend to the Clerk/Administrator the Clerk/Administrator adjust the Customer's sewer bill for that month to reflect the estimated metered water which could not have entered the Sewer System. The Clerk/Administrator shall be the final authority in determining if such an adjustment is to be made.
- B. The monthly sewer use fees shall be billed starting when connection to the Sewer System has been made and/or 90 days from time of installation of the Grinder Pumping Unit.
- C. The applicable fee shall continue to be due for any installed Grinder Pumping Unit to which Service has been discontinued by the Village under the provisions of this Ordinance.
- D. Monthly fees and bills shall be determined for a monthly billing period, not for a calendar month.
- E. Monthly fees shall be due without prorating for any portion of a month or monthly billing period during which Service is provided.
- F. Monthly bills indicating the amount due may be mailed with, or as a part of, a Customer's water bill. Monthly bills shall be due within twenty (20) days following the date the statement was mailed.

### **9-3-21 SPECIAL CHARGES**

- A. The Village may assess special charges to a Customer for any Out of Pocket Costs incurred by the Village beyond the normal costs the Village incurs in providing service to similar Customers. Special charges shall be made for, but are not limited to these situations:
1. Costs associated with sampling, analyzing and evaluating the Customer's waste water and the effect of such waste water on the Sewer System when such waste water is found to be Prohibited Sewage and thereafter for verification of compliance with the Ordinance as the Utilities Director deems appropriate.
  2. Costs associated with repairing or replacing components of the Sewer System, which are damaged or destroyed by the actions of the Customer or by any of the Customer's waste water discharged to the Sewer System.
  3. Costs associated with restoring a salvaged Grinder Pumping Unit to reusable condition or replacing the Grinder Pumping Unit if a unit is no longer in use due to the Customer requiring a larger unit or requesting a unit be relocated on the served property.
  4. Costs associated with more than a single inspection of work performed or components installed by an Applicant's licensed electrician and/or an Applicant's licensed plumber.
  5. Costs beyond routine inspections associated with verifying compliance with the Grease Trap and Sand Trap requirements of this Ordinance.
  6. Costs associated with inspection of the Pressure Sewer Lines and Pressure Service Laterals installed by a subdivision developer.
  7. Costs associated with enforcing this Ordinance.

### **9-3-22 DELINQUENCIES AND RESULTING DISCONNECTIONS**

- A. If any Customer fails to pay the monthly sewer charges within twenty (20) days after the date of mailing of the monthly bill, a charge of ten percent (10%) of the monthly sewer billing shall be assessed to the unpaid, delinquent amount to cover the associated costs and charges in maintenance and administrative costs for the delinquent account. REVISED 3/20/03

- B. If any fee, charge or penalty for sewer service remains unpaid forty (40) days after the monthly bill has been mailed, the Village may disconnect a Customer's water service and/or disconnect or make inoperable the Customer's Grinder Pumping Unit. Prior to discontinuing service, the Village shall provide written notice to the Customer ten (10) days prior to such discontinuance.
- C. The Clerk/Administrator shall hear any appeal or complaint, and shall be the final authority, regarding delinquent bills and may decide service will be continued for not more than an additional thirty (30) days before service is discontinued. If such a continuance is allowed, no additional notice will be necessary for the Village to discontinue service if the bill, or any subsequent bill, is still delinquent.
- D. When water and/or sewer service has been discontinued due to delinquent payment, water/sewer service shall not be restored to the property and/or customer until all arrears in charges have been paid, together with a reconnection fee of fifty dollars (\$50.00). Once the charges have been paid, water/sewer service will be restored during regular business hours. In the event a customer relocates within the Village of Bosque Farms leaving a delinquent water/sewer bill at his/her previous residence, water/sewer service at his/her new location will not be provided until the delinquent charges from service at his previous address have been paid. REVISED 3/20/03

**9-3-23 DISCONTINUATION OF SEWER CHARGES**

- A. Service shall not be terminated to any occupied property in response to Customer's request after a Grinder Pumping Unit has been installed.
- B. Service may be temporarily (not to exceed 3 months) terminated only to unoccupied or otherwise vacant properties such as rental units, mobile homes moving on or off of properties, etc.
  - 1. Should the Customer demonstrate to the Clerk/Administrator that an economical hardship exists, a time extension may be granted.
- C. Upon receipt of a written statement by the owner of a lot or parcel of property which has previously been connected to the public sewer system that there is no longer any building or structure for human occupation or use or for any business purpose located thereon and that the toilet and other facilities therein have been removed, disconnected and properly plugged from the Village sewer system, and upon inspection by the Utilities Director or his designated representative to ascertain that the statement is true, the sewer charges shall cease as of the first day of the following month. The Utilities Director or his designated representative shall remove the motor from the Grinder Pumping Unit.
- D. Service shall be restored once the property has been re-occupied.

### **9-3-24 NOTICES**

- A. When the Village is required by this Ordinance to notify a Customer or potential Customer, such notice shall be deemed to have been made if the Village:
  - 1. Hand delivers a notice to the Customer's served property,
  - 2. Includes a notice with the Customer's utility bill mailed to the Customer, or
  - 3. Mails a notice to the Customer by first class mail.

### **9-3-25 FORMS AND STANDARDS**

- A. The Village Administration may develop, use and revise forms for the administration and implementation of this Ordinance. An indexed copy of the latest edition of the forms shall be maintained at the Village for public inspection.
- B. The Village Administration may develop, use, revise and enforce standards for the design and construction of the Sewer System and for the materials to be used as part of the Sewer System. An indexed copy of the latest edition of the standards shall be maintained at the Village offices for public inspection.
- C. Size and Number of Grinder Pumping Units required:
  - 1. Customers which may have a Single Grinder Pumping Unit:
    - a. Residential Customers.
    - b. Commercial Customers whose:
      - (1) Rest rooms are only used by employees.
      - (2) Do not have kitchens.
      - (3) Have ten (10) or less total full time equivalent employees.
      - (4) Do not use water for any processes, wash down, food processing or industrial activities.
      - (5) Maximum water use has been (or is expected to be) less than 15,000 gallons per month during any month.

2. Customers required to have at least one Double Grinder Pumping Unit:
  - a. Any Commercial Customer which does not qualify for a Single Grinder Pumping Unit as given above.
  - b. Any:
    - (1) Restaurant or bar.
    - (2) Church.
    - (3) Motel, hotel or bed and breakfast establishment.
    - (4) School.
    - (5) Day care facility.
    - (6) Business or institution having rest rooms available to customers, patrons or clients.
    - (7) Vehicle service stations.
    - (8) Vehicle and mechanical equipment repair facilities.
3. Customers required to have more than one Double Grinder Pumping Unit:
  - a. Any Commercial Customer whose maximum water use has been (or is expected to be) more than 25,000 gallons during any month.
    - (1) The number of Double Grinder Pumping Units required shall be one for every 25,000 gallons of water use (or fraction of 25,000 gallons) per month. The arrangement of the Customer's building drainage lines and Gravity Service Lines shall be such that generally equivalent flows will be directed to each unit.
4. If Customer's use of the served building will be changed so that by this requirement an increase in the number or size of Grinder Pump Units would be required, the Customer shall submit an Application for the larger or additional Grinder Pumping Units not less than sixty (60) days prior to such change.

5. If Customer's water use is found to be, or increases, so that by this requirement an increase in the number or size of Grinder Pump Units would be required, the Utilities Director shall notify the Customer a larger or additional Grinder Pumping Unit(s) is/are required. The Customer shall submit an Application with payment for the larger or additional Grinder Pumping Units within sixty (60) days of the date of such notice and shall connect such additional units within sixty (60) days of the date the resulting is issued.
6. No waiver shall be made for the maximum gallons per month limitations given in this requirement unless the Applicant can adequately demonstrate to the Utilities Director's satisfaction a single high month of water use was the result of a break in the Applicant's plumbing system and the escaping water would not have entered the Sewer System if the Applicant had been connected to the Sewer System or did not enter the sewer system if the Applicant was connected to the Sewer System. Such a waiver shall not be given more than once for any served property. The Utilities Director shall be the final authority in determine if such a waiver shall be given.
7. If a Customer has a Single Grinder Pumping Unit, but due to a change in use of the served building or due to actual water use being higher than allowed for a Single Grinder Pumping Unit one Double Grinder Pumping Unit is required, the Utilities Director may allow the installation of a second Single Grinder Pumping Unit provided the Utilities Director is satisfied the Customer's Sewage will be directed reasonably equally between the two Single Grinder Pumping Units.

### **9-3-26 TERMINATION FOR MISCONDUCT**

- A. The Village may disconnect a Customer's water service and/or disconnect or make inoperable the Customer's Grinder Pumping Unit without notice for any of the following activities by any Person:
  1. Unauthorized connection to the Sewer System.
  2. Failure to permit the Utilities Director or Health Officer reasonable access to Grinder Pumping Unit, Pressure Service Line, Control Panel, Grease Trap or Sand Trap.
  3. Damage to the Grinder Pumping Unit or to the Pressure Service Line.
  4. For Customers who purchase water from the Village, allowing any water not purchased from the Village to enter the Sewer System.
  5. Use of the Service so as to interfere with the quality, safety, continuity or efficiency of service furnished by the utility.

6. Failure to submit an Application for a larger Grinder Pumping Unit or for additional Grinder Pumping Units prior to sixty (60) days of a change in use of the served property which would require the installation of a larger unit or additional units.
7. Failure to submit an Application for a larger Grinder Pumping Unit or for additional Grinder Pumping Units within sixty (60) days of being notified by the Utilities Director that a larger unit or additional units is/are required by this Ordinance. Also, failure to install and connect to such larger unit or additional units within sixty (60) days of date of Application for such unit(s).
8. Willful or continued violation of any portion of this Ordinance.

**9-3-27 PENALTY**

- A. Any Person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined a sum not to exceed \$500.00 or imprisonment not to exceed ninety days. In addition to such penalties, the Village Attorney shall have the authority to apply to the District Court for the purpose of obtaining an order restraining any Person from violating any of the provisions of this Ordinance.

**9-3-28 ADDITIONAL REMEDY**

- A. Any charge by this ordinance shall be payable either by Customer or by the occupant of the served property to which service is furnished. In addition to any other remedy, which may be authorized by this Ordinance, the Village shall have a lien upon the tract of land being served by the system for delinquent charges. The lien shall be imposed and enforced in the manner provided in Sections 3-35-1 through 3-35-5, NMSA 1978 Compilation. Exceptions to this section are provided in Section 3-23-6C, NMSA 1978.

**9-3-29 SEVERABILITY**

- A. If any section, subsection, paragraph, phrase or other portion of this Ordinance shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, then such decision shall not affect the validity or enforceability of the remaining portions of this Ordinance.

END OF ORDINANCE