

Village of Tijeras
Wastewater Service
Ordinance
No. 180



**ADOPTED BY THE GOVERNING BODY OF THE VILLAGE OF
TIJERAS, THIS 22nd DAY OF JUNE 2020**

By

A handwritten signature in black ink, appearing to read 'Jake Bruton', written over a horizontal line.

Jake Bruton, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Michael Wismer', written over a horizontal line.

Michael Wismer, Village Manager/Clerk

SECTION 1

WASTEWATER SERVICE ORDINANCE INDEX

- 1-1 SHORT TITLE
- 1-2 WASTEWATER UTILITY ESTABLISHED
- 1-3 APPLICABILITY
- 1-4 DEFINITIONS
- 1-5 WATER OPERATOR/CONTRACTOR
- 1-6 MANAGEMENT, RULES, REGULATIONS AND STANDARDS
- 1-7 UNAUTHORIZED DISPOSAL
- 1-8 PRIVATE SEWAGE DISPOSAL
- 1-9 CONNECTION REQUIRED
- 1-10 APPLICATION REQUIRED
- 1-11 SAND TRAPS AND GREASE TRAPS MAY BE REQUIRED
- 1-12 RESPONSIBILITIES FOR MAKING CONNECTIONS
- 1-13 CUSTOMER'S CONTINUING RESPONSIBILITIES
- 1-14 REQUIREMENTS FOR NEW LAND SUBDIVISIONS
- 1-15 REQUIREMENTS FOR NEW BUILDINGS
- 1-16 SEWAGE CHARACTERISTICS
- 1-17 DAMAGE TO WASTEWATER SYSTEM
- 1-18 EMERGENCY SHUTOFF TO REPAIR SYSTEM
- 1-19 CONNECTION FEES
- 1-20 WASTEWATER USE FEES
- 1-21 SPECIAL CHARGES
- 1-22 DELINQUENCIES AND RESULTING DISCONNECTIONS
- 1-23 DISCONTINUATION OF WASTEWATER CHARGES
- 1-24 NOTICES
- 1-25 FORMS AND STANDARDS
- 1-26 TERMINATION FOR MISCONDUCT
- 1-27 PENALTY
- 1-28 ADDITIONAL REMEDY
- 1-29 SEVERABILITY

§ 1-1 **Short Title.**

This Section 1 shall be known as the "Wastewater Service Ordinance."

§ 1-2 **Wastewater utility established.**

A. The Village Wastewater System is hereby declared to be established for the health, safety and welfare of the Village of Tijeras, 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 Wastewater System and the availability of service is subject to the availability of funding for the design and construction of the system.

§ 1-3 **Applicability.**

A. This Section 1 shall govern the collection and disposal of sewage and polluted water within the Village of Tijeras, New Mexico.

B. Service shall only be provided within the Village's municipal boundaries except as otherwise provided in this Section 1.

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.

§ 1-4 **Definitions.**

The following definitions shall be applicable whenever the defined term is used in this Section

1. "Shall" is mandatory; "may" is permissive.

APPLICANT

Any property owner or agent who has submitted an application for service.

APPLICATION

The application a customer submits to the Village for service. An application includes required attachments and supplemental information.

BOD

Five-day biochemical oxygen demand as determined by Standard Methods.

COD

Chemical oxygen demand as determined by Standard Methods.

COMMERCIAL CUSTOMER

Any customer who is not a residential customer.

CONTROL PANEL

The grinder pumping unit's electrical disconnect panel, alarm device, and wiring from the control panel to the grinder pumping unit.

CUSTOMER

Any person receiving service.

DOMESTIC SEWAGE

Wastewater normally generated in, and normally disposed of in, bathrooms, rest rooms and residential kitchens. Also included in domestic sewage is wastewater normally generated in cleaning and maintaining homes and commercial and institutional facilities and normally disposed of in interior building wastewater drainage systems, provided such wastewater does not contain any prohibited sewage.

DOUBLE GRINDER PUMPING UNIT

A grinder pumping unit having two grinder pumps.

DRAINAGE WATER

Any water draining from roofs, patios, driveways, parking areas, areas outside buildings or areas flooded by stormwater. Also included is any groundwater which is pumped by the customer but not used for normal domestic uses in a building or any groundwater that may seep into the customer's gravity Wastewater service line.

EASEMENT

The easement granted by an applicant/customer to the Village for installation, operation and maintenance of the grinder pumping unit and pressure service line.

GOVERNING BODY

The governing body of the Village.

GRAVITY WASTEWATER SERVICE LINE

The customer's gravity Wastewater service pipe which transmits the customer's sewage to the grinder pumping unit.

GREASE TRAP

A Water Operator/Contractor approved, customer provided and maintained device designed to remove grease and oil from the customer's wastewater.

GRINDER PUMPING UNIT

The Village's sewage grinder pumping unit, including grinder pump(s), tank, control panel and appurtenances.

HEALTH OFFICER

Any person or his authorized representative appointed by the Village as the Health Officer (or the Water Operator/Contractor 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.

OCCUPIED

The use and possession of a structure for the purpose for which it is designed.

ORDINANCE

The Wastewater Service Ordinance.

OTHER PERMITTED SEWAGE

Wastewater 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 wastewater does not contain any prohibited sewage.

OUT-OF-POCKET COSTS

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 10% of all of these costs. Salary costs shall include all statutory and customary benefits and burdens.

PERSON

Individuals, partnerships, corporations, associations, societies, clubs, churches, institutions and public bodies, and includes both the masculine and feminine gender.

pH

The logarithm to the base 10 of the reciprocal of the weight of hydrogen ions in grams per liter in solution.

PRESSURE SERVICE LATERAL

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 Wastewater line.

PRESSURE SERVICE LINE

The Village's pressure pipe from the grinder pumping unit to the pressure Wastewater line, including associated valves and appurtenances.

PRESSURE WASTEWATER LINE

The Village's pressure Wastewater collection and transmission pipelines into which sewage is received from pressure service lateral and through which sewage is transported to the Village's Regional Wastewater Lift Station. "Pressure Wastewater line" includes valves and appurtenances on these lines.

PRIVATE SEWAGE DISPOSAL UNIT

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.

PROHIBITED SEWAGE

Any wastewater containing prohibited substances, or characteristics prohibited by this Section 1.

PROHIBITED SUBSTANCES

Any substance, material, chemical or compound the discharge of which to the Wastewater System is prohibited by this Section 1, or any substance, material, chemical or compound in the customer's wastewater in concentrations greater than those allowed by this Section 1.

REGIONAL WASTEWATER LIFT STATION (should be bold print)

The Village's facility which receives sewage from pressure Wastewater lines and gravity wastewater lines. This Regional Wastewater Lift Station pumps wastewater through a force main from the lift station site to the eastern portion of the City of Albuquerque's wastewater collection system. As part of the original construction of these facilities, gravity sewer lines were constructed east from the lift station to provide sewer service to users along Highway 66 north of the Tijeras Arroyo and to the Albuquerque Public School facilities. These initial facilities were constructed and have been operated through a Joint Powers Agreement between the City of Albuquerque, Bernalillo County and APS. The Village approved this agreement, but was not actually a party to it. The Village was allocated 100,000 gallons per day of capacity in the lift station.

RESIDENTIAL CUSTOMER

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.

SAND TRAP

A Water Operator/Contractor approved, customer provided and maintained device designed to remove sand, grit and mud from the customer's wastewater.

SEPTAGE

Any contents or material from a septic tank, cesspool, leach field, privy or vault privy.

SERVICE

A customer is connected to the Wastewater System or a building/property could be connected to the Wastewater System.

SEWAGE

All domestic sewage and other permitted sewage.

SINGLE GRINDER PUMPING UNIT

A grinder pumping unit having one grinder pump.

SLUG

Any customer discharge of wastewater to the Wastewater System which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes five times the average twenty-four-hour concentration or flow from that customer.

STANDARD METHODS

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.

TDS

Total dissolved solids as determined by Standard Methods.

TSS

Total suspended solids as determined by Standard Methods.

VILLAGE

The New Mexico incorporated municipality of the Village of Tijeras.

VILLAGE MANAGER/CLERK

The Village of Tijeras Village Manager/Clerk.

VILLAGE OF TIJERAS COMPREHENSIVE MASTER PLAN

The Tijeras Wastewater Facilities Plan dated February 2001

WASTEWATER SYSTEM

The sewage collection disposal system owned and operated by the Village, including grinder pump units.

WATER OPERATOR/CONTRACTOR

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 Village Manager/Clerk shall be the Water Operator/Contractor. "Water Operator/Contractor" also means his/her agents or designated representatives.

§ 1-5 Water Operator/Contractor.

- A. The Water Operator/Contractor shall serve under the direction of the Village Manager/Clerk.

- B. The Water Operator/Contractor shall supervise and manage the Wastewater System, including construction, installation, operation, maintenance, repair, replacement, ordinance enforcement, and other duties in connection with the Wastewater System as the governing body and Village Manager/Clerk may prescribe from time to time.

§ 1-6 Management, rules, regulations and standards.

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 Wastewater System. Any construction and connection to the Wastewater System shall be in compliance with the requirements and standards of this Section 1 and with the Village's planning and zoning regulations, which are incorporated into and made part of this Section 1.

§ 1-7 Unauthorized disposal.

- A. Except as specifically provided hereinafter in this Section 1, 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 groundwater any sewage, prohibited sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Section 1.

§ 1-8 Private sewage disposal.

- A. Private sewage disposal may be used for a building prior to the connection of such building to the Wastewater System being required under subsequent provisions of this Section 1.

- 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 Wastewater System, within 10 days of the connection to the Wastewater 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. The provisions of this Section 1 for private sewage disposal shall not limit or be construed to interfere with any reasonable requirements that may be imposed by a Health Officer.

§ 1-9 Connection required.

A. The owner of each lot or parcel of real property within the Village limits shall connect to the Wastewater System if the Wastewater 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 Wastewater System.

B. The owner of such a property must:

(1) Submit an application with payment.

(2) Connect to the Wastewater System within 10 days of the date of the wastewater 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 right-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 Tijeras prior to any type of utility installation.

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

§ 1-10 Application for connection.

An application shall be required from all applicants. An application shall include:

A. For all applicants:

- (1) Completed application form;
- (2) All required fees; and
- (3) Easement documentation.

B. For applicants who will be commercial customers:

- (1) Other information deemed necessary by the Water Operator/Contractor so the Water Operator/Contractor can determine:
 - (a) The acceptability of the anticipated sewage.
 - (b) The type and number of grinder pumping units required.
 - (c) Other requirements for providing service, including, but not limited to, the need for grease traps and sand traps.

C. For multiple buildings receiving water from a single Village water meter, the application shall be submitted by the person responsible for the water service.

D. The Water Operator/Contractor may undertake such investigations and require such information from an applicant about the applicant's facilities and proposed discharges to the Wastewater System as the Water Operator/Contractor deems reasonably necessary to:

- (1) Verify compliance with this Section 1 and Village's standards;
- (2) Verify appropriateness of the applicant's requested location for the grinder pumping unit, control panel and pressure service line;
- (3) Verify that any special requirements such as, but not limited to, grease traps or sand traps are installed by the applicant and are operational; and
- (4) Determine service is available.

§ 1-11 Sand traps and grease traps.

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 Water Operator/Contractor inspection of a grinder pumping unit indicate excessive grease, oil, sand or mud, the Water Operator/Contractor shall give the customer notice and the customer shall install the new and/or additional sand traps and/grease traps required by the Water Operator/Contractor within 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 Wastewater System.

E. The Water Operator/Contractor shall periodically inspect grease traps and sand traps to verify compliance with this Section 1. Customers shall allow reasonable access to grease traps and sand traps for inspection and monitoring.

§ 1-12 Responsibility for making connections.

A. For properties where the building was served by a private sewage disposal unit prior to connection to the Wastewater system:

(1) Applicants 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 Water Operator/Contractor.

(c) Uncovering the gravity wastewater line that will be connected to the grinder pumping 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 Water Operator/Contractor installing the grinder pumping unit and the pressure service line.

(e) Removing and replacing any fencing required to allow the Water Operator/Contractor 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 the Village's installation of the grinder pumping unit or pressure service line.

(g) Selecting the applicant's licensed electrician (or obtaining a homeowner's permit from Bernalillo County for the required electrical work).

(h) Having the applicant's licensed electrician (or accomplished by the applicant under a Bernalillo County homeowner's permit) install the control panel and associated wiring from the control panel to the grinder pumping unit in accordance with applicable codes and Village standards (requires Bernalillo County inspection).

(i) Selecting the applicant's licensed plumber (or obtaining a homeowner's permit from Bernalillo County for the required plumbing work).

(j) Having the applicant's licensed plumber (or accomplished by the applicant under a Bernalillo County homeowner's permit):

[1] Connect the gravity service line to the grinder pumping unit in accordance with applicable codes and Village standards (requires Water Operator/Contractor inspection).

[2] Arrange for the Water Operator/Contractor to activate the grinder pumping unit.

[3] Provide additional efforts as necessary if the grinder pumping unit cannot be activated when planned.

(2) The Village Manager/Clerk shall be responsible for:

(a) Preparing the application forms and giving them to the Water Operator/Contractor.

(b) Billing the applicant or customer for any special charges incurred in installation of the grinder pumping unit or pressure service line.

(c) Beginning monthly billing to the customer when the application is returned, indicating the customer is connected to the Wastewater System, or 10 days after the grinder pumping unit has been installed, whichever comes first.

(3) The Water Operator/Contractor shall be responsible for:

- (a) Verifying that the applicant's proposed locations for the grinder pumping unit, control panel and pressure service line are in conformance with this Section 1 and Village standards.
- (b) Installing the grinder pumping 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 wastewater line.
- (d) Determining if any special charges are to be paid by the customer for installation and informing the Village Manager/Clerk of such charges.
- (e) Verifying the grinder pumping unit and control panel are operating properly.
- (f) Verifying any water meters, grease traps, sand traps or other facilities required by this Section 1 or as a condition of providing service are installed and operating properly.

B. For properties where the building was not served by a private sewage disposal unit prior to connection to the Wastewater System:

(1) Applicants shall be responsible for:

- (a) Submitting an application.
- (b) Having the building designed and constructed to allow installation of a 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 Water Operator/Contractor.
- (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 Bernalillo County homeowner's permit) install the control panel and associated wiring from the control panel to the grinder pumping unit in accordance with applicable codes and Village standards (requires Bernalillo County inspection).
- (f) Selecting the applicant's licensed plumber (or obtaining a homeowner's permit from Bernalillo County for the required plumbing).

(g) Having the applicant's licensed plumber (or accomplished by the applicant under a Bernalillo County homeowner's permit):

[1] Connect the gravity service line to the grinder pumping unit in accordance with applicable codes and Village standards (requires Water Operator/Contractor inspection).

[2] Arrange for the Water Operator/Contractor to activate the grinder pumping unit.

(2) The Village Manager/Clerk shall be responsible for:

(a) Preparing the application forms and giving them to Water Operator/Contractor.

(b) Billing the 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) Beginning monthly billing to the customer when the application is returned, indicating the customer is connected to the Wastewater System, or 10 days after the grinder pumping unit has been installed, whichever comes first.

(3) The Water Operator/Contractor shall be responsible for:

(a) Verifying that the applicant's proposed locations for the grinder pumping unit, control panel and pressure service line are in conformance with this Section 1 and Village standards.

(b) Installing the grinder pumping unit and installing the pressure service lateral and connecting to the pressure wastewater line unless such was provided by the subdivision developer under the terms of this Section 1.

(c) Determining if any special charges are to be paid by the applicant/customer for installation and informing the Village Manager/Clerk of such charges.

(d) Verifying the grinder pumping unit and control panel are operating properly.

(e) Verifying any water meters, grease traps, sand traps or other facilities required by this Section 1 or as a condition of providing service are installed and operating properly.

§ 1-13 Customer's continuing responsibilities.

The customer shall continue to be responsible for:

A. Removing and replacing any fencing required to allow the Water Operator/Contractor 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 the Water Operator/Contractor's maintenance, repair or replacement of the grinder pumping unit or pressure service line.
- C. Preventing damage to the installed grinder pumping 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 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 Section 1.

§ 1-14 Requirements for new land subdivisions.

These requirements apply to all subdivisions which do not have final plat approval prior to April 1, 2020.

- A. The subdivision plat shall include dedication of an easement for each lot.
- B. The subdivision shall be designed and constructed so the requirements subsequently given in this Section 1 for new buildings can be readily accomplished.
- C. The subdivision developer shall install all pressure wastewater 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 wastewater 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 Water Operator/Contractor and shall be subject to the inspection and approval of the Village Manager/Clerk.
- D. The subdivision developer shall prepay the Village for 120% of the estimated out-of-pocket costs the Water Operator/Contractor estimates the Village will incur in designing and installing all pressure wastewater 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.

E. The location and size of all pressure wastewater lines shall be in accordance with the Village of Tijeras Comprehensive Master Plan if indicated therein. If the location and size of the pressure wastewater lines is not indicated in the Village of Tijeras Comprehensive Master Plan, the Water Operator/Contractor shall determine the size and location to serve all future customers that could be served by the lines. The Water Operator/Contractor shall be the final authority in making such determination.

§ 1-15 Requirements for new buildings.

These requirements apply to buildings for which building permits are not issued prior to July 1, 2019.

A. 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 50 feet of the grinder pumping unit and so it is visible from the adjacent pressure wastewater 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 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 50 inches below the finished ground surface where the unit will be installed.

B. On a case-by-case basis, the Water Operator/Contractor 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 Water Operator/Contractor shall be the final authority as to what modification, if any, to allow.

§ 1-16 Sewage characteristics.

A. No person shall discharge anything but sewage into the Wastewater System.

B. No person shall discharge any drainage water, prohibited sewage or prohibited substances into the Wastewater System.

C. Prohibited sewage is wastewater which:

(1) Contains prohibited substances.

(2) Has a pH less than 5.5 or greater than 11.5.

- (3) Has a corrosive property capable of causing damage to any portion of the Wastewater System.
- (4) Is discharged as a slug.
- (5) Includes unpolluted waters.
- (6) Has a temperature higher than 150° F.
- (7) Causes interference with the Regional Wastewater Lift Station.
- (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 than 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 100 milligrams per liter.
- (6) Any of the following metals in concentrations greater than 115% 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, benzene, 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 wastewater facility, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the Regional Wastewater Lift Station's receiving water.

(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 wastewater lines or causing interference with the proper operation of the Wastewater 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 32° F. and 150° F.

(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 City of Albuquerque's wastewater collection system 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 wastewater, with the exception that 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 cannot reach the customer's gravity service line.

§ 1-17 Damage to Wastewater System; excavations.

- A. It shall be unlawful for any person to remove or damage any part of the Wastewater System, or to excavate any street, alley, sidewalk or easement without the permission of the Water Operator/Contractor.
- B. The Wastewater System is hereby classified as "high profile," which requires an excavation permit and line exposure when working within five feet of the Wastewater 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 permission 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 excavation.

D. Should any excavation occur inside the Village limits without excavation permission, the Village may impose an administrative charge of up to \$300.

E. Any damage to the Wastewater System caused during excavation without permission will result in an administrative fee of \$1,000 plus the cost of the repair and/or replacement to the Wastewater System.

F. Any damage to the Wastewater System caused during excavation with permission as a result of negligence will result in a charge of \$300 plus the cost of the repair and/or replacement to the Wastewater System.

G. Telephone and cable television lines shall be installed at a depth of 24 inches within the right-of-way.

§ 1-18 Emergency shutoff to repair system.

The Water Operator/Contractor shall have the right at any time, without notice, to shut off any grinder pumping unit and/or any pressure wastewater line for the purpose of necessary repairs. In that event, the Village shall not be liable for any damages occasioned by the interruption of wastewater service.

§ 1-19 Connection Fees.

For current fees contact Village Manager/Clerk.

§ 1-20 Wastewater Use Fees.

For current fees contact Village Manager/Clerk.

§ 1-21 Special charges.

The Village Manager/Clerk 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:

- A. Costs associated with sampling, analyzing and evaluating the customer's wastewater and the effect of such wastewater on the Wastewater System when such wastewater is found to be prohibited sewage and thereafter for verification of compliance with this Section 1 as the Water Operator/Contractor deems appropriate.
- B. Costs associated with repairing or replacing components of the Wastewater System which are damaged or destroyed by the actions of the customer or by any of the customer's wastewater discharged to the Wastewater System.

- C. 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.
- D. 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.
- E. Costs beyond routine inspections associated with verifying compliance with the grease trap and sand trap requirements of this Section 1.
- F. Costs associated with inspection of the pressure wastewater lines and pressure service laterals installed by a subdivision developer.
- G. Costs associated with enforcing this Section 1.

§ 1-22 Delinquencies and disconnections.

- A. If any customer fails to pay the monthly wastewater charges within 20 days after the date of mailing of the monthly bill, a charge of 10% of the monthly wastewater 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.
- B. If any fee, charge or penalty for wastewater service remains unpaid 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 10 days prior to such discontinuance.
- C. The Village Manager/Clerk 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 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 wastewater service has been discontinued due to delinquent payment, water/wastewater service shall not be restored to the property and/or customer until all arrears in charges have been paid, together with a processing fee of \$50. Once the charges have been paid, water/wastewater service will be restored during regular business hours. In the event a customer relocates within the Village of Tijeras, leaving a delinquent water/wastewater bill at his/her previous residence, water/wastewater service at his/her new location will not be provided until the delinquent charges from service at his previous address have been paid.

§ 1-23 Discontinuation of Wastewater service.

- 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 three months) terminated only to unoccupied or

otherwise vacant properties such as rental units, mobile homes moving on or off of properties, etc. Should the customer demonstrate to the Village Manager/Clerk 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 wastewater 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 Wastewater System, and upon inspection by the Water Operator/Contractor or his designated representative to ascertain that the statement is true, the wastewater charges shall cease as of the first day of the following month. The Water Operator/Contractor or his designated representative shall remove the motor from the grinder pumping unit.

D. Service shall be restored once the property has been reoccupied.

§ 1-24 Notices.

When the Village is required by this Section 1 to notify a customer or potential customer, such notice shall be deemed to have been made if the Village:

- A. Hand delivers a notice to the customer's served property;
- B. Includes a notice with the customer's water bill mailed to the customer; or
- C. Mails a notice to the customer by first class mail.

§ 1-25 Forms and standards.

A. The Village administration may develop, use and revise forms for the administration and implementation of this Section 1. 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 Wastewater System and for the materials to be used as part of the Wastewater 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:

[1] Whose rest rooms are only used by employees.

[2] Who do not have kitchens.

[3] Who have 10 or less total full-time equivalent employees.

[4] Who do not use water for any processes, wash down, food processing or industrial activities.

[5] Whose 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. 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 a customer's use of the served building will be changed so that by this requirement an increase in the number or size of grinder pumping units would be required, the customer shall submit an application for the larger or additional grinder pumping units not less than 60 days prior to such change.

(5) If a customer's water use is found to be, or increases, so that, by this requirement, an increase in the number or size of grinder pumping units would be required, the Water Operator/Contractor shall notify the customer that 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 60 days of the date of such notice and shall connect such additional units within 60 days of the date.

(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 Water Operator/Contractor's satisfaction that 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 Wastewater System if the applicant had been connected to the Wastewater System or did not enter the Wastewater System if the applicant was connected to the Wastewater System. Such a waiver shall not be given more than once for any served property. The Water Operator/Contractor 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 Water Operator/Contractor may allow the installation of a second single grinder pumping unit, provided the Water Operator/Contractor is satisfied the customer's sewage will be directed reasonably equally between the two single grinder pumping units.

§ 1-26 Termination for misconduct.

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:

A. Unauthorized connection to the Wastewater System.

B. Failure to permit the Water Operator/Contractor or Health Officer reasonable access to a grinder pumping unit, pressure service line, control panel, grease trap or sand trap.

C. Damage to the grinder pumping unit or to the pressure service line.

D. For customers who purchase water from the Village, allowing any water not purchased from the Village to enter the Wastewater System.

E. Use of the service so as to interfere with the quality, safety, continuity or efficiency of service furnished by the system.

F. Failure to submit an application for a larger grinder pumping unit or for additional grinder pumping units prior to 60 days of a change in use of the served property which would require the installation of a larger unit or additional units.

G. Failure to submit an application for a larger grinder pumping unit or for additional grinder pumping units within 60 days of being notified by the Water Operator/Contractor that a larger unit or additional units is/are required by this Section 1; also, failure to install and connect to such larger unit or additional units within 60 days of date of application for such unit(s).

H. Willful or continued violation of any portion of this Section 1.

§ 1-27 Penalty.

Any person violating any provision of this Section 1 shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined a sum not to exceed \$500 or imprisonment not to exceed 10 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 Section 1.

§ 1-28 Additional remedy.

Any charge by this Section 1 shall be payable either by the 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 Section 1, 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 NMSA 1178, §§ 3-35-1 through 3-35-5. Exceptions to this section are provided in NMSA 1178, § 3-23-6C.

1-29 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.

