

TITLE V: PUBLIC WORKS

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CHAPTER 50: SOLID WASTE

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL ESTABLISHMENT. All structures, other than residences, together with the surrounding premises, on which any person produces or generates solid waste.

DESIGNATED LANDFILL. The Otero/Lincoln County sanitary landfill or such other landfill, as designated from time to time by the Governing Body, as the site at which residents of the village may dispose of solid waste.

FRANCHISED COLLECTOR. Any person or entity to whom the village has granted a non-exclusive franchise to collect solid waste within the village.

RESIDENCE. A home, trailer, mobile home or other freestanding structure used or capable of use as a human habitation, together with the surrounding premises, on which any person produces or generates solid waste; a ***SINGLE-FAMILY RESIDENCE*** may include a guest home and other outbuildings on the same premises which are not continuously inhabited.

SOLID WASTE. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial mining and agricultural operations and from community activities, but does not include those items excluded as ***SOLID WASTE*** by the *Solid Waste Management Regulations*, adopted by the Environmental Improvement Board of the state. (Ord. 156, passed 11-16-1993)

§ 50.02 FEES.

(A) Each franchised collector shall be responsible for providing the village with a copy of each individual contract with each commercial account of the franchised collector in the village and the village will do all billing and collection on such commercial accounts.

(B) The village will retain 10% of the amount billed for each commercial account and shall remit to the franchised collector the balance on the first day of each month after collection of the account in accordance with a franchise ordinance or such other special contractual arrangement which may exist between the village and a franchised collector.

(Ord. 156, passed 11-16-1993)

§ 50.03 ENFORCEMENT PROCEDURES.

(A) The village, at its discretion, may place an assessment against property in question to enforce the refuse collection fee by preparing an assessment roll per the terms of NMSA § 3-48-4. The Village Clerk-Treasurer shall conform to all the hearing and notice requirements set forth in NMSA § 3-48-5. The Governing Body shall conduct a protest hearing per the terms of NMSA §§ 3-48-4 and 3-48-5. The village shall enforce any assessments by filing and enforcing a lien per the terms of NMSA § 3-48-7.

(B) Upon receipt of any money to discharge the assessment and/or lien, the village shall deduct from the amount received any statutory interest, penalties or other penalties and retain such an amount to offset the costs of imposing the assessment and/or lien. From this remaining amount, the village shall deduct the franchise fee due it and then pay the balance to the franchised collector.

(Ord. 156, passed 11-16-1993)

COLLECTION REQUIREMENTS; RECEPTACLES

§ 50.15 COMPULSORY SOLID WASTE COLLECTION.

Every person owning or controlling an occupied residence or commercial establishment within the village is required to pay for a solid waste collection service provided by a franchised collector and to pay the solid waste collection fee established by the Governing Body. All fees shall be billed by the village and paid to a franchised collector in accordance with each franchise agreement.

(Ord. 156, passed 11-16-1993)

§ 50.16 FEE SCHEDULE.

(A) (1) Residences are single family dwellings, each apartment unit of an apartment complex and each mobile home occupied as a place of residence whether located within or without a so called trailer park or mobile home park. Each such residence shall pay the sum of \$10.26 per month for at least one pick-up per week; provided, however, that, in the event the head of the household of the residence is a **SENIOR CITIZEN** as hereinafter defined, the occupant shall pay the sum of \$9.48 per month for at least one pickup per week.

(2) For the purpose of this division (A), the following definition shall apply unless the context clearly indicates or requires a different meaning.

SENIOR CITIZEN. Any resident within the village who has attained the age of 60 years; provided that, the village shall require of the **SENIOR CITIZEN** satisfactory proof of age.

(B) For commercial accounts, the fee shall be agreed upon, by contract, between each franchised collector, on a pick-up and container size schedule, as may be agreed upon between the franchised collector, a commercial establishment sufficient to handle the commercial establishment's solid refuse collection needs, provided that if not such contract is agreed upon, a 90-gallon cart shall be provided to commercial customers and refuse shall be collected once a week at the fee of \$13 per month and \$17 per month for collection twice a week.

(C) In the event that a commercial establishment does not elect to enter into a contract with a franchised collector, but rather to haul their own solid waste, the commercial establishment shall nonetheless pay to the village an assessment fee of \$17 per month.

(D) For irregular service and special pickups, the fee shall be agreed upon in advance by the customer and the company, but shall not be less than the amount necessary to recover the cost of providing the service or pickup.

(E) The rates may be adjusted annually and shall increase inconsistent with the October figures from the Consumer Price Index, as published by the University of New Mexico in Albuquerque, New Mexico. The increase shall occur on August 1 of each year if the contractor, who has been appointed by the village to conduct solid waste disposal, requests an increase in writing and the increase is implemented with the rates herein to increase by an amount equal to the rate increase for the contractor. If the contractor fails to request the increase in writing, the rate shall remain the same and there shall be no adjustment for that year. (Ord. 156, passed 11-16-1993; Am. Ord. 189, passed 5-18-1999; Am. Ord. 201, passed 9-17-2002; Am. Ord. 204, passed 5-20-2003)

§ 50.17 FAILURE TO DEPOSIT REFUSE IN PROPER RECEPTACLES; AUTHORITY TO REMOVE.

If any person shall permit any solid waste to be thrown, left or deposited in or upon real property owned or controlled by the person, other than in proper solid waste receptacles, as provided in § 50.19, and fails to remove the solid waste or to place it in proper solid waste receptacles within 48 hours after the solid waste is deposited, the Village Mayor or the Village Clerk-Treasurer may order the appropriate franchised collector who is responsible for collection of personal solid waste to remove the solid waste from the real property and to bill the person owning or controlling the property from which the solid waste is removed the actual cost of the removal or a reasonable fee per one-half hour, whichever is greater. A separate assessment shall be made for each removal.

(Ord. 156, passed 11-16-1993)

§ 50.18 FAILURE TO PAY FEES.

(A) The failure or refusal of any person owning or controlling real property to provide for the removal of solid waste or to pay the fees chargeable to such person for solid waste collection service, as provided in § 50.16, or for solid waste removal, as provided in § 50.17, is a misdemeanor.

(B) If any person owning or controlling real property fails or refuses to pay the fees chargeable to the person for solid waste collection service, as provided in § 50.16, or for solid waste removal services, as provided in § 50.17, the amount of the unpaid fees may be made an assessment against the real property from which the solid waste is collected or removed.

(Ord. 156, passed 11-16-1993) Penalty, see § 10.99

§ 50.19 PLACEMENT, CONSTRUCTION AND MAINTENANCE OF RECEPTACLES.

(A) Unless solid waste receptacles are otherwise provided by a franchised collector, it shall be the responsibility of every person owning or controlling any residence or commercial establishment to provide and maintain in reasonably good repair one or more solid waste receptacles.

(B) (1) Solid waste receptacles shall be closed, sufficiently sturdy to prevent ripping and spillage in the collection process and adequate to prevent scavenging by animals or dispersal of contents by natural elements.

(2) Containers composed of materials other than rigid plastic or metal shall be considered disposable and may be removed by the franchised collector.

(3) Solid waste receptacles used at a residence shall not exceed 32 gallons in capacity and no more than 50 pounds maximum loaded weight unless larger capacity solid waste receptacles are provided by the franchised collector and are to be mechanically handled.

(4) Every solid waste receptacle shall be kept in a clean and sanitary condition by its owner or user.

(5) Bundles of non-putrescible waste or yard waste which are in four-foot bundles or tied not to exceed 50 pounds may be placed at the nearest point of driving surface of the road for collection.

(C) (1) Every person owning or controlling a residence shall place all solid waste receptacles under his or her control for collection at the nearest point of driving surface of the road on the collection day designated by the franchised collector and shall remove them from the side of the thoroughfare within 12 hours after pickup.

(2) All solid waste receptacles used at a residence shall be stored behind a fence or within an enclosure or otherwise out of sight from any public way, except on collection day.

(D) (1) The Village Mayor or the Village Clerk-Treasurer may designate where solid waste receptacles used at commercial establishments shall be placed, in case of controversy between collector and the commercial establishment.

(2) The village shall not authorize any placement of any commercial containers in a residential area.

(Ord. 156, passed 11-16-1993)

§ 50.20 DISTURBING RECEPTACLES.

It is unlawful to disturb or scatter solid waste or the contents of a solid waste receptacle.
(Ord. 156, passed 11-16-1993) Penalty, see § 10.99

§ 50.21 COLLECTION, TRANSPORT AND DISPOSAL.

Solid waste shall be collected and disposed of only by a franchised collector, except that:

(A) Construction debris, rubbish and waste may be collected and hauled from the premises involved by those engaged in construction, remodeling or demolition;

(B) Tree and yard trimmings accumulated by persons engaged in the business of gardening or landscaping may be collected and hauled from the premises where the trimmings have accumulated;

(C) Owners, occupants or persons in control of commercial establishments may haul their own solid waste, subject to payment of the assessment set forth in § 50.16;

(D) Owners, occupants or persons in control of a residence may haul occasional, one-time loads of excess solid waste;

(E) Clean sawdust, rotted manure for fertilizer or farm debris may be collected and hauled by any person; and

(F) Materials which are to be recycled may be removed by the owner or person occupying or controlling real property or any person under contract to remove the material for reuse under a recycling program.

(Ord. 156, passed 11-16-1993)

§ 50.22 UNAUTHORIZED DUMP SITES.

It is unlawful to dump refuse, at any place, except at the designated landfill operated by the Otero/Lincoln County solid waste authority unless specifically approved in writing by the village.

(Ord. 156, passed 11-16-1993) Penalty, see § 10.99

PROHIBITED ACTIVITY

§ 50.35 BURNING OR BURYING SOLID WASTE.

It is unlawful for any person to burn or bury any solid waste, except nothing in this chapter shall be construed to prohibit:

(A) The disposal of solid waste by the normal or usual use of a garbage disposal unit or sanitary sewer facilities;

(B) The normal use of home fireplaces;

(C) Composting; or

(D) Open burning authorized by a permit from the State Environmental Improvement Division.
(Ord. 156, passed 11-16-1993) Penalty, see § 10.99

§ 50.36 SCATTERING OR DISPOSAL OF SOLID WASTE.

It is unlawful to throw, place or deposit waste in or upon any street, public thoroughfare, driveway or any occupied or unoccupied premises within the village, except in those places and in the manner specified in this chapter.

(Ord. 156, passed 11-16-1993) Penalty, see § 10.99

§ 50.37 REMOVAL OF DEAD ANIMALS.

(A) (1) Any person in possession, charge or control of any carrion or dead animal or who owns, controls or occupies any premises, upon which the same may be located, shall cause the same to be removed and disposed of.

(2) No dead animal shall be placed in a solid waste receptacle.

(B) (1) The owner of a dead animal or carrion, or any other person responsible for the removal of the carrion or dead animal, may, upon request, have the assistance of the village in removing the carrion or dead animal.

(2) The owner of the carrion or dead animal, or any person who owns, controls or occupies the premises upon which the same may be located, shall be required to pay the cost of removal.

(Ord. 156, passed 11-16-1993) Penalty, see § 10.99

§ 50.38 INFECTIOUS WASTE, FLAMMABLE, EXPLOSIVE OR COMBUSTIBLE MATERIAL.

(A) *Infectious waste.* No generator of solid waste shall place, in any container for regular collection, any infectious waste or an item that has come in contact with infectious waste.

(B) *Flammable or explosive materials.* Highly flammable or explosive materials shall not be placed in residential or commercial containers. The producers of the solid waste shall provide a disposal plan for approval by the village.

(C) *Hot ashes and other combustible material.* No person shall deposit hot ashes, cinders, smoldering coals or greasy or oily substances liable to spontaneous ignition into any combustible receptacle or place the same within ten feet of any combustible materials, except in metal or noncombustible receptacles. For at least 48 hours prior to the scheduled time of collection, ashes or cinders shall be cooled and shall be placed at the collection point in disposable containers.

(D) *Special and hazardous waste.* It shall be unlawful to place or cause to be placed, in any container for collection, any special or hazardous waste of any kind. Any special or hazardous waste will be removed from the village at the owner's or producer's expense to an approved site.
(Ord. 156, passed 11-16-1993) Penalty, see § 10.99

FRANCHISE AGREEMENT REGULATIONS

§ 50.50 TYPE OF FRANCHISE.

(A) The franchises granted by the village are non-exclusive. At any time, the village may enter into franchise agreements with additional qualified franchised collectors for refuse collection and disposal.

(B) In addition, the village may, per the terms hereof, elect to operate its own refuse collection and disposal service in accordance with state law.
(Ord. 156, passed 11-16-1993)

§ 50.51 COLLECTOR'S DUTIES.

(A) Each franchised collector shall collect refuse from the customers it is contracted to serve at the times and not in excess of the rates, as set forth herein and per other set terms and conditions.

(B) The franchised collector shall dispose of solid waste at the Otero/Lincoln County landfill.
(Ord. 156, passed 11-16-1993)

§ 50.52 TERM AND RENEWAL.

The franchise with each franchised collector shall be for a term of four years, beginning upon the effective date of each franchise.
(Ord. 156, passed 11-16-1993)

§ 50.53 RIGHT TO USE RIGHTS-OF-WAY.

Each franchised collector shall have the right to use any and all streets, alleys, bridges and public ways within the village for the purposes of refuse collection and disposal, subject to all other ordinances of the village not in conflict herewith.
(Ord. 156, passed 11-16-1993)

§ 50.54 INSURANCE COVERAGE.

(A) Each franchised collector shall obtain liability insurance in an amount no less than \$1,000,000 for liability per person and \$1,000,000 to cover property damage or higher limits as may be permitted under the State Tort Claims Act, in effect in the state, from time to time. Each liability insurance policy shall provide that the village is a named insured. Each franchised collector shall each obtain worker's compensation insurance in an amount and type, as required by state law.

(B) All liability insurance policies and worker's compensation policies shall be with carriers approved by the village, but the village shall not unreasonably withhold its consent.

(C) Each franchised collector shall furnish the Village Clerk-Treasurer with copies of the insurance policies required under this section. If the franchised collector's insurance coverage changes or if the franchised collector changes its carrier, it shall furnish the Village Clerk-Treasurer with a copy of the new policy within 30 days of the change. The village shall have 30 days to reject the insurance policy upon just and reasonable grounds. If the village fails to act within the 30-day period, the insurance policy will be deemed to be accepted and approved by the village.

(D) Failure to obtain approved insurance coverage, failure to timely submit insurance policies for village review or failure to obtain insurance coverage at all shall each be proper grounds for immediate termination of the franchise by the village.

(Ord. 156, passed 11-16-1993)

§ 50.55 SERVICE TO GOVERNMENT.

(A) Each franchised collector shall provide refuse collection and disposal to the village government free of charge, including the removal of dead animals, as requested by the village.

(B) Such tasks shall include, but not be limited to emptying refuse receptacles placed by the village throughout the corporate area of the village and other service to the village government, as required by the Board of Trustees.

(Ord. 156, passed 11-16-1993)

§ 50.56 PERFORMANCE BOND.

Each franchised collector shall comply with all applicable state laws and regulations including, but not limited to the *State of New Mexico Environmental Improvement Division Solid Waste Management Regulations* and shall provide a performance bond to the village in the amount of \$100,000.

(Ord. 156, passed 11-16-1993)

§ 50.57 CERTIFICATION OF STATE APPROVAL.

Each franchised collector shall provide proof of their ability to perform as a competent solid waste collector as follows:

(A) Performance bond, as set forth in § 50.56;

(B) Liability insurance on all vehicles to be used by the franchised collector, as set forth in § 50.54, with the filing of a certificate of the liability insurance as to each vehicle to be used as proof of insurance with the village; and

(C) Proof that each driver of a vehicle holds an appropriate commercial license from the New Mexico Department of Motor Vehicles.
(Ord. 156, passed 11-16-1993)

§ 50.58 COLLECTION ARRANGEMENTS.

Each franchised collector may arrange with any person for the collection and disposal of that person's commercial refuse. No less than monthly, each franchised collector shall provide to the Village Clerk-Treasurer the names of any new customers it has obtained and the names of any customers to whom it no longer provides service.

(Ord. 156, passed 11-16-1993)

§ 50.59 INDEMNIFICATION.

Each franchised collector shall indemnify and completely hold harmless the village for any liability the village may incur as a result of the actions or omissions of the franchised collector, pursuant to the exercise of the franchise.

(Ord. 156, passed 11-16-1993)

§ 50.60 FEES.

(A) In consideration of the village granting a franchised collector its franchise, allowing a franchised collector to use the village's rights-of-way, and in exchange for all other consideration granted to a franchise collector, each franchise collector shall pay to the village 5% of the gross receipts it receives under the terms of its franchise. This franchise fee shall not be in lieu of any city, state or federal fees, charges or taxes including, but not limited to business registration fees, gross receipts taxes and ad valorem property taxes.

(B) The franchise fee shall be due and payable to the village by each franchised collector no later than the twenty-fifth day following the end of each calendar month. Each franchised collector shall pay to the village, by such time, 5% of the gross receipts it has received during the prior month. Upon 15-days' written notice from the village, any authorized village official, including, but not limited to the Mayor, the Village Clerk-Treasurer or any other designee of the village, with Governing Body authorization, may inspect the books of a franchised collector to verify the gross receipts of the franchised collector. (Ord. 156, passed 11-16-1993)

§ 50.61 VEHICULAR EQUIPMENT.

Each franchised collector shall collect and dispose of refuse in vehicles that are at least of the minimum quality and design acceptable in the industry, which conform to any applicable state or federal environmental regulations, which do not leak and which will prevent solid waste from blowing, spilling or otherwise leaking out of the equipment. All vehicular equipment shall be cleaned at the times and in the manner to prevent offensive odors and unsightliness. (Ord. 156, passed 11-16-1993)

§ 50.62 ASSIGNMENT, SALE, SUBLEASE OR SUBCONTRACT.

No franchised collector may assign, sell, sublease or subcontract any of its rights or obligations under its franchise without the express written consent of the village. The consent by the village may not be unreasonably withheld. However, it shall be grounds for the village to refuse consent if the franchised collector's successor in interest, assignee, buyer, sublessee or subcontractor fails to sign a written document in which it agrees to be bound by all the terms and conditions of the franchise ordinance and this chapter. (Ord. 156, passed 11-16-1993) Penalty, see § 10.99

§ 50.63 TERMINATION.

(A) The village may terminate the franchise of any franchised collector who does not perform the obligations of the franchise in a timely and proper manner.

(B) Any substantial breach of the terms of a franchise ordinance, this chapter or any other applicable village ordinance shall be grounds for termination. Prior to terminating any franchise, the village shall send written notice of the complaints it has to the franchised collector by registered or certified mail, return receipt requested. The franchised collector shall have 15 days from the date of receipt to cure the complaints. If the franchised collector does not cure the complaints, then the Governing Body shall conduct a hearing for the purpose of terminating the franchise.

(C) The franchised collector shall be given at least two-weeks' notice of the hearing by registered or certified mail, return receipt requested. The franchise may be terminated by a majority vote of the entire Governing Body.

(Ord. 156, passed 11-16-1993)

CHAPTER 51: GENERAL WATER AND SEWER PROVISIONS

Section

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GENERAL PROVISIONS**§ 51.01 SERVICE CHARGES.**

(A) The monthly charges and fees for water and sewer services shall be as follows:

<i>Usage</i>	<i>Water</i>	<i>Sewer</i>
Single residence and any other use not specifically set forth in a category herein: 7,000-gallon minimum	\$25.95 plus \$1.00 per 1,000 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30
Residential residence on one meter: 7,000-gallon minimum	\$25.95 plus \$1.00 per 1,000 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30 per unit
Grocery stores: 7,000-gallon minimum	\$25.95 plus \$1.00 per 1,000 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Cafes, bars, food and drink: 7,000-gallon minimum	\$25.95 plus \$1.00 per 1,000 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Medical	\$25.95 plus \$1.00 per 1,000 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum

General Water and Sewer Provisions

<i>Usage</i>	<i>Water</i>	<i>Sewer</i>
Drug stores	\$25.95 plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Offices: 7,000-gallon minimum	\$25.95 plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Motel: 7,000-gallon minimum	\$25.95 plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum, plus \$.50 per unit during May, June, July and August
Trailer parks and recreational vehicle parks: 7,000-gallon minimum		
One meter - trailer park	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons per water meter or fraction thereof over the minimum water for the meter
One meter - recreational	\$25.95 plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction thereof over the minimum water for the meter
Each metered space, trailer park or recreational vehicle park	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30
Requests to change to a metered space or from a metered space shall result in payment of appropriate fees as set forth herein for installation or removal of a meter.		

Tularosa - Public Works

<i>Usage</i>	<i>Water</i>	<i>Sewer</i>
Dry goods, variety, appliance, tire, automobile and department stores: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Banks and financial institutions: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Barber shops and beauty shops: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Florist shops, retail and wholesale: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Schools, public and parochial: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30 per water meter, plus \$4.00 per building during September through May
Churches: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30 per building

General Water and Sewer Provisions

<i>Usage</i>	<i>Water</i>	<i>Sewer</i>
Apartments: 7,000-gallon minimum		
One meter	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30 per water meter, plus \$.20 per 1,000 gallons or fraction thereof over the minimum water for the meter
Each unit metered	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30 per unit
Service station: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum
Car wash: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum to 29,000 gallons, then \$.30 per 1,000 gallons or fraction over 29,000 gallons to 59,000 gallons, then \$.40 per 1,000 gallon or fraction over 59,000 gallons to 89,000 gallons, then \$.50 per 1,000 gallons or fraction over 89,000 gallons to 119,000 gallons, then \$.60 per 1,000 gallons or fraction over 119,000 gallons

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<i>Usage</i>	<i>Water</i>	<i>Sewer</i>
Laundromats and industrial: 7,000-gallon minimum	\$25.95 per occupied space at any time during the billing period plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$1.20 per 1,000 gallons 10,001 to 30,000 gallons; plus \$2.00 per 1,000 gallons 30,001 to 50,000; plus \$2.50 per 1,000 gallons 50,001 to 100,000 gallons; plus \$4.00 per 1,000 gallons 100,001 and over.	\$10.30, plus \$.20 per 1,000 gallons or fraction over minimum to 29,000 gallons, then \$.30 per 1,000 gallons or fraction over 29,000 gallons to 59,000 gallons, then \$.40 per 1,000 gallons or fraction over 59,000 gallons to 89,000 gallons, then \$.50 per 1,000 gallons or fraction over 89,000 gallons to 119,000 gallons, then \$.60 per 1,000 gallons or fraction over 119,000 gallons
Standpipe water	\$10.00 per 1,000 gallons, then .50 per 100 gallons thereafter .05 gallon measured as nearly as possible to the precise gallon each period.	
Users outside village limits: 7,000-gallon minimum	\$44.88 plus \$1.00 per 1,000 gallons 7,001 to 10,000 gallons; plus \$4.00 per 1,000 gallons or fraction over 10,000 gallons.	

(B) Charges and fees for occupied trailer spaces and apartment units shall be calculated and charged each month based upon the assumption that each trailer space or apartment unit is occupied. The owner of the property billed or agent designated in writing shall be responsible monthly to report in writing on forms provided to the Village Clerk-Treasurer on or before the fifteenth day of each month if a trailer space or apartment unit is not occupied, and thus not subject to the monthly fee or charge.

(C) The services charges for water and sewer service shall be increased annually on November 1 of each year by 100% of the increase annually for all items indexed in the Consumer Price Index, as published by the University of New Mexico, Albuquerque, NM, which is last dated prior to November 1 of each year.

(D) (1) Payment of the monthly utility bill for water, sewer and refuse collection is due and payable on the next tenth day of the month immediately following the billing date and is considered delinquent if not paid by the twenty-first day of that same month. A final cutoff notice will be mailed on the twenty-first stating that water services will be disconnected in five days if the bill is not paid in full.

A delinquency fee of \$20 shall be assessed if the full payment is not made by the twenty-first day of the month.

(2) If the service is disconnected, a \$50 reconnect fee will be charged upon request provided that all other water/sewer charges, including penalty and interest, are current. The Mayor, and in the Mayor's absence, the Village Clerk-Treasurer, may agree to allow an extension for payments of the delinquency fee and arrearage; provided that, only two such extensions may be allowed on any person's account.

(3) The Mayor, and in the Mayor's absence, the Village Clerk-Treasurer, may waive the delinquency fee if the person responsible for the bill was hospitalized or otherwise incapacitated at the time the bill became delinquent. To apply for the waiver, the Mayor or Village Clerk-Treasurer must be provided with acceptable proof of the hospitalization or incapacitation.

(E) Any person who has a delinquent account may be refused service at another service address until the delinquency account is paid.

(⁷⁵ Code, § 6-5-1) (Am. Ord. 179, passed 2-17-1998; Am. Ord. 188, passed 9-15-1998; Am. Ord. 197, passed 1-16-2001; Am. Ord. 204, passed 5-20-2003; Am. Ord. 220, passed 2-22-2007; Am. Ord. 225, passed 8-21-2007; Am. Ord. passed 12 - - 2008)

§ 51.02 LIABILITY FOR PAYMENT.

The charges established by this chapter shall be payable by the owner of the premises served unless the owner notifies the village in writing prior to the initiation of the debt that utility charges incurred by a renter will not be the responsibility of the owner. The notification shall include the location of the rental property.

(⁷⁵ Code, § 6-5-3)

§ 51.03 APPLICATION FOR SERVICE; DEPOSIT; APPROVAL.

(A) (1) Connection with the mains of the village shall be made by written application of the owner of the premises to be supplied with water, or his or her duly authorized agent, on blanks provided by the village.

(2) The application shall state the name of the owner of the premises, the character and extent of the service desired, a description of the premises, including the name of street and house number, if any, and other information as may reasonably be required by the village to enable it to give the desired service.

(3) A deposit of \$100 shall be made by the applicant for water and sewer service at the time of application. The deposit shall be kept by the Clerk-Treasurer and refunded to the applicant within

60 days of termination of the applicant's use of services minus any deductions from the deposit for any unpaid balance due for services rendered.

(⁷⁵ Code, § 6-5-4) (Am. Ord. 197, passed 1-16-2001)

(B) A new application must be made and approved by the village on any change of ownership of the property and the village shall have the right to discontinue the water supply until a new application is made and approved; provided that, all charges herein mentioned, which shall be due and owing on the premises, shall be paid in full before the new application is approved.

(⁷⁵ Code, § 6-5-5)

§ 51.04 CONNECTION REQUIRED; FEE.

(A) At the time of making application for connection with the mains of the village, the applicant must pay to the Clerk-Treasurer of the village a connection fee as follows:

- (1) For a $\frac{3}{4}$ -inch waterline connection: \$750;
- (2) For a 1-inch waterline connection: \$850;
- (3) For a 2-inch waterline connection: \$1,000;
- (4) For a 3-inch waterline connection: \$1,100;
- (5) For a 4-inch waterline connection: \$1,250;
- (6) For a 5-inch waterline connection: \$1,500.

(7) For any connection in excess of a 5-inch waterline connection, an additional compensation, in addition to the \$1,500, as may be necessary to pay for the labor and materials, as may be determined by the Board of Trustees at the time of the application for the connection in excess of five inches. If the application is for a reconnection after disconnection for default in payment of charges, the applicant shall pay the sum of \$30, together with all delinquent charges and penalties thereon.

(⁷⁵ Code, § 6-5-6)

(8) Upon request of the applicant, the connection fee may be paid by installments in accordance with the terms of an agreement executed by the applicant and the village provided that in the event that the applicant fails to make timely payments of installments due, after notice of default pursuant to the agreement and failure to cure the default, the service may be disconnected.

(9) All single-residence property owners within 150 feet of the village limits will be authorized to connect to village water. All property owners are responsible for the maintenance and repair of the service line connecting a single property to the water system. A property owner is also responsible for any damage to public property resulting from the failure of service lines, the failure including but not limited to leaks or collapse. All property owners who have access to a water line within this distance will

have to provide their own infrastructure according to code. Outside village water rates will apply. The village at its election may discontinue the furnishing of water to property not conforming to this requirement.

(B) (1) All property owners in the village shall be required to connect, at their own expense, their properties with the village sewer system and cease and desist the use of all other methods of sewerage disposal, if sewer services are available within 150 feet or less of the property line, and if, in the judgment of the village there is an adequate grade from the existing sewer main or line to the property line to which the sewer service is to be connected so as to render village sewer service practicable. A property owner is responsible for the maintenance and repair of the service line connecting a single property to the sewage collection system including taps, saddles and wyes. A property owner is also responsible for any damage to public property resulting from the failure of the service lines, the failure including, but not limited to leaks or collapses. The village, at its election, may discontinue the furnishing of water to property not conforming to this requirement or upon failure of a property owner to comply with the provisions hereof, written notice by the Building Inspector shall be given demanding that maintenance or repair be made within 30 days from the date of the notice. Upon failure to comply with the notice, then and in that event, the village shall have the power and the authority to maintain or repair, the cost and expense of which shall be a lien against the property served.

(2) At the time of making application for water service, if a sewer connection is required as set forth above, the applicant shall pay a sewer connect fee as follows:

(a) Residential single-family: \$800;

(b) All others: \$1,250.

(^75 Code, § 6-5-14) (Am. Ord. 153, passed 7-20-1993; Am. Ord. 199, passed 5-15-2001; Am. Ord. 204, passed 5-20-2003; Am. Ord. 208, passed 1-20-04; Am. Ord. 217, passed 12-20-2005; Am. Ord. 220, passed 2-22-2007)

§ 51.05 METERS.

(A) (1) No more than one building shall be permitted to use a water service line and each water service line shall be connected to the village mainline through a village meter; provided, however, that more than one building may be connected to a service line if fees are paid and application for service is made to the village and approved and fees charged under § 51.01; provided, however, that accessory buildings not designed for habitation may be served through a single residential service meter which also serves a residence.

(2) All meters shall be furnished by the village and shall remain its property and be accessible to and subject to its control. They shall be conveniently located upon approval by the village so as to control the entire supply to the premises. When located on the premises of a consumer, a proper place of protection thereof shall be provided by the consumer.

(^75 Code, § 6-5-7) (Am. Ord. 174, passed 7-15-1997)

(B) Meters will be maintained by the village so far as ordinary wear and tear are concerned. The damage, due to any fault on the part of the consumer, shall be paid by him or her and he or she shall notify the village of any injury to or the non-working of the meter as soon as it comes to his or her knowledge. (^75 Code, § 6-5-8)

(C) The owner of each new structure, unless it shall be an addition to an existing structure, shall apply for, obtain and have installed a water meter for each new structure. (^75 Code, § 6-5-12) Penalty, see § 10.99

§ 51.06 TAMPERING WITH SYSTEM.

(A) No plumber, owner or other unauthorized person shall turn the water on or off at any corporate stop, curb stop or meter can, if any, or disconnect or remove the meter without village consent.

(B) All service lines on the consumer's side of the meter shall contain a stop and waste cock where the water may be turned off on the water user's side of the curb meter can.

(C) (1) In the event that the stop and waste cock has not been installed at the time of conversion by the village to an electronic water meter, then the stop and waste cock shall be installed by the village, at the water service customer's or property owner's expense, whichever the case may be with respect to the present service, which shall be billed to the water service customer or owner as the case may be based on the current service.

(2) All services will be determined on a case-by-case basis upon actual cost to the village of labor and materials.

(D) New connections shall be required to have the stop and waste cock valve, as set forth above, at the time of the installation of the electronic meter and the main connection fee shall be as set forth elsewhere in this code, together with the schedule of charges set forth in this section depending upon the size of the service line, as set forth herein, if the stop and waste cock valve has not already been installed on the property.

(^75 Code, § 6-5-9) (Am. Ord. 166, passed 2-20-1996; Am. Ord. 204, passed 5-20-2003) Penalty, see § 10.99

§ 51.07 INSPECTION.

All pipes, meters and fixtures shall, at all reasonable hours, be subject to inspection by duly authorized employees of the village.

(^75 Code, § 6-5-10) Penalty, see § 10.99

§ 51.08 REPAIRS.

All leaks in any pipe or fixture on the premises of the consumer shall be immediately repaired by the consumer and, on failure to repair any leak, service may be discontinued until repairs are made.
(^75 Code, § 6-5-11) Penalty, see § 10.99

§ 51.09 STORAGE OF WATER.

(A) The village may reserve a sufficient supply of water, at all times, in its reservoirs or storage tanks to provide for fires and other emergencies, and at such time as there may be a shortage of water or a danger thereof, the Board of Trustees, by resolution, may limit the amount of water to be furnished to the minimum required for health and sanitary purposes and place other restrictions on the use of water as may be necessary to preserve the village water supply; provided that, nothing contained in this chapter shall be construed to require the village to furnish water to consumers outside the corporate limits to the detriment of its inhabitants.

(B) At such time as there may be a shortage of water or danger thereof, the Mayor, by declaration, may declare an emergency and, by the declaration, place restrictions of the use of water as may be necessary to protect the water supply of the village. The declaration shall be in effect until the next regular or special meeting of the Board of Trustees.
(^75 Code, § 6-5-13) (Am. Ord. 86, passed 8-1-1978)

§ 51.10 LIENS.

The village has a lien on each property served with the water and sewer system for charges imposed for all services rendered by the system and notices of the liens shall be filed and enforced, as provided by law.
(^75 Code, § 6-5-15)

§ 51.11 SPECIAL CONSIDERATIONS.

(A) Due to existing sewers and water mains and ground terrain, special consideration will be given where requested and approved by the proper village authorities.
(^75 Code, § 6-5-18)

(B) (1) All plans and specifications for water and sewer shall bear the approval of the New Mexico Environmental Improvement Agency, in addition to the approval of the proper authorities of the village.

(2) A minimum of 30 days will be required by the village for approval of plans and specifications.
(^75 Code, § 6-5-19)

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(C) (1) The following water conservation measures shall be in effect at all times in the village and no person, firm or corporation shall use any water from the municipal water system, except as follows.

(a) Use of water through a sprinkler system or use of water through a hose to water any grass, trees, plants or other vegetation shall be allowed as follows.

1. Users with odd numbered addresses shall be permitted to use water in the above manner on each Wednesday, Friday and Sunday.

2. Users with even numbered addresses shall be permitted to use water in the above manner on each Tuesday, Thursday and Saturday.

3. Watering in the above manner shall be prohibited between the hours of 10:00 a.m. and 6:00 p.m.

(b) These restrictions shall apply to all residences and to all businesses and institutions having lawns, gardens, trees or shrubs, and shall be followed at all parks and public buildings which are watered with treated water. Areas watered with effluent, grey well water or water from the Tularosa Community Ditch are exempted from these restrictions. These restrictions shall not apply to any person, firm or corporation engaged in the business of growing or selling plants of any kind.

(c) Newly seeded or sodded lawns or newly planted trees or shrubs shall be exempted from the restrictions of this section for the time needed to establish the lawn, tree or shrub, and the time needed to establish the lawn, tree or shrub does not exceed 60 days.

(2) No person shall be convicted of violating this section unless the person in fact turned on water, directed the turning on of water or kept water turned on after learning it was turned on in violation of this section, or failed to turn off automatic devices capable of turning on water in violation of this section.

(3) It will not be necessary, however, to present a witness who saw the accused turning on the water, if circumstances indicate the accused did turn on the water.

(^75 Code, § 6-5-20) (Am. Ord. 172, passed 7-15-1997) Penalty, see § 10.99

§ 51.12 WATER WELLS.

No new water well or existing water well shall be connected in any way to the village's water system. (Ord. 194, passed 5-16-2000) Penalty, see § 10.99

§ 51.13 EXTENSION POLICY.

(A) All water and sewer main installed as a replacement of or an extension to the existing water and sewer systems within the village, including subdivisions and individual line extensions, shall conform to the requirements of this section and all other specifications set forth herein.

(B) Minimum pipe size shall be as follows.

(1) The minimum size of water main shall be six inches in diameter.

(2) The minimum size of sewer main shall be eight inches in diameter.

(3) Pipe sizes shall conform to any formally adopted water master plan or sewer master plan which is in effect at the time the proposed water or sewer line is to be constructed.

(C) Plans for water and sewer replacement or extension shall be prepared by a New Mexico Registered Professional Engineer.

(D) Specifications for water and sewer replacement or extension shall conform to *New Mexico Standard Specifications for Public Works Construction*, current edition, as published by the New Mexico Chapter, American Public Works Association, supplemented if necessary by the design engineer and approved by the village.

(E) Plans for water and sewer replacement or extension shall have been approved by the village, prior to construction.

(F) All water and sewer installations shall be inspected by the village. Construction work that has not been inspected by the village will not be accepted by the village.

(G) Upon completion of the construction work, reproducible record drawings conforming to the information furnished by construction contractors in detail shall be furnished to the village by the owner of the extension project.

(Ord. 143, passed 9-3-1991)

WATER UTILITIES; SPECIFICATIONS**§ 51.25 PIPES.**

Pipe shall conform to New Mexico Plumbing Code as adopted from time to time.
(^75 Code, § 6-5-16) (Am. Ord. 204, passed 5-20-2003) Penalty, see § 10.99

§ 51.26 FITTINGS.

Fittings shall conform to New Mexico Plumbing Code as adopted from time to time.
(^75 Code, § 6-5-16) (Am. Ord. 204, passed 5-20-2003) Penalty, see § 10.99

§ 51.27 HYDRANTS.

Hydrants shall comply and be installed to conform to the New Mexico Plumbing Code as adopted from time to time.
(^75 Code, § 6-5-16) (Am. Ord. 204, passed 5-20-2003) Penalty, see § 10.99

§ 51.28 MAINS.

All mains and fire hydrants installed shall conform to the New Mexico Plumbing Code as adopted from time to time.
(^75 Code, § 6-5-16) (Am. Ord. 204, passed 5-20-2003) Penalty, see § 10.99

§ 51.29 LINES; FLUSHING REQUIREMENTS.

All lines shall be thoroughly flushed and sterilized in accordance with requirements of the New Mexico State Department of Public Health.
(^75 Code, § 6-5-16)

§ 51.30 VILLAGE DUTIES; CONNECTIONS, LINES AND INSTALLATION.

(A) The village will make connections to the main and install corporation cocks, service lines and meters.

(B) All lines shall be tested for a period of one hour at a pressure not less than the natural operating pressure of the existing mains in the village.

(C) All water installations shall be inspected by the proper authorities of the village before being covered.

([^]75 Code, § 6-5-16)

SEWER UTILITIES; SPECIFICATIONS

§ 51.40 PIPES.

Pipe for all sewer mains shall be Class I vitrified clay. Service lines, where installed in streets or roadways, shall be Class I vitrified clay.

([^]75 Code, § 6-5-17)

§ 51.41 MANHOLES.

Manholes shall be brick. Covers shall be provided with not more than four vent holes and shall weigh not less than 300 pounds.

([^]75 Code, § 6-5-17)

§ 51.42 MINIMUM SIZE.

The minimum size of sewers shall be not less than eight inches. The minimum velocity shall be not less than two feet per second. Coefficient of roughness for design shall be 0.013. Flow per person per day shall be 100 gallons. Maximum flow per person per day shall be 150 gallons. Sewers shall be designed to carry the average flow when flowing one-half full. The inserts of all laterals into the main are to be placed above the end of the pipe in the main. Each manhole shall provide a drop of one-tenth of a foot, in addition to the normal gradient. Manholes shall be spaced not greater than 400 feet. Where sewer services are tapped into the main, a tee saddle shall be used.

([^]75 Code, § 6-5-17)

§ 51.43 JOINTS.

All joints will be made with an asphalt base mastic or compound.

([^]75 Code, § 6-5-17)

§ 51.44 INSTALLATIONS.

All sewer installations, whether mains or service lines attached to mains, must be inspected by the proper authorities of the village before being covered.

(75 Code, § 6-5-17)

CHAPTER 52: WATER

Section

Maintenance and Protection of Supply

- 52.01 Application
- 52.02 Enforcement
- 52.03 Picnicking
- 52.04 Swimming
- 52.05 Pollution
- 52.06 Soil erosion
- 52.07 Watering of livestock
- 52.08 Declaration of nuisance
- 52.09 Well and liquid waste disposal setback
- 52.10 Running and irrigation of water

- 52.99 Penalty

MAINTENANCE AND PROTECTION OF SUPPLY

§ 52.01 APPLICATION.

All the provisions of this code of ordinances or rules and regulations adopted by the village are hereby applicable to the village's water supply known as Rio Tularosa, including all village-owned property immediately adjacent thereto and within a five-mile area above the village water intake on the Rio Tularosa.

(Ord. 85, passed 7-18-1978)

§ 52.02 ENFORCEMENT.

All peace officers employed by the village, state health officers, State Fish and Game officials and any other village employee whose duties include the enforcement of the ordinances of the village are hereby authorized and empowered to exercise jurisdiction over the enforcement of this subchapter.

(Ord. 85, passed 7-18-1978)

§ 52.03 PICNICKING.

Picnicking, eating or drinking on or littering of the streambed within the banks of the Rio Tularosa is hereby prohibited.

(Ord. 85, passed 7-18-1978) Penalty, see § 52.99

§ 52.04 SWIMMING.

No washing, wading, swimming, bathing or polluting of the waters of the Rio Tularosa in any manner whatsoever shall be permitted.

(Ord. 85, passed 7-18-1978) Penalty, see § 52.99

§ 52.05 POLLUTION.

The construction or keeping of any barn, corral, poultry or turkey yard, pasture or pig sty on any place or premises of whatsoever kind, the drainage from which is capable of polluting, contaminating or rendering the water impure or unwholesome, is hereby prohibited on the Rio Tularosa or its tributaries, and upon or adjacent to the banks thereof, from the points of intake of the village water supply and service lines to the distance of five miles above and upstream on the Rio Tularosa.

(Ord. 85, passed 7-18-1978) Penalty, see § 52.99

§ 52.06 SOIL EROSION.

(A) It is prohibited to operate a motor vehicle of any kind within the banks or waters of the Rio Tularosa.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. Every vehicle which is self-propelled or is pulled or pushed by a self-propelled vehicle.

(C) It is prohibited for any person to alter or otherwise disturb the natural contours of the banks of the Rio Tularosa without having first obtained the written consent of the Governing Body of the village. The consent may be obtained by application to the Governing Body of the village. The application shall include complete engineering plans prepared by a licensed engineer of the state for the alteration of the contours of the banks of the Rio Tularosa and such consent may be given only after adequate assurance is provided that the alteration shall not cause the water to be polluted or increase the possibility of the water being polluted or the turbidity of the water of Rio Tularosa to be increased.

(Ord. 85, passed 7-18-1978) Penalty, see § 52.99

§ 52.07 WATERING OF LIVESTOCK.

It shall be prohibited to water livestock directly from the waters of Rio Tularosa. Livestock may be watered only after removal of the water from the Rio Tularosa and placement in a separate container located outside the banks of Rio Tularosa.

(Ord. 85, passed 7-18-1978) Penalty, see § 52.99

§ 52.08 DECLARATION OF NUISANCE.

The keeping, establishing or maintaining of any place or premises or the doing of any act prohibited by this subchapter is hereby declared a nuisance and the nuisance may be abated by the village in accordance with the law.

(Ord. 85, passed 7-18-1978) Penalty, see § 52.99

§ 52.09 WELL AND LIQUID WASTE DISPOSAL SETBACK.

(A) No part of any well for the production of water or other substances or any part of any liquid waste disposal system shall be situated within 200 feet of the Rio Tularosa for a distance of five miles upstream from the intake of the public water supply to the village.

(B) The Village Board of Trustees may grant a variance from the setback requirements by application of any interested party who can prove that a proposed liquid waste disposal setback or well site will afford the same protection to the public water supply to the village, as the setbacks as herein above set forth.

(C) The burden of proof shall be upon the applicant to demonstrate to the satisfaction of the Board of Trustees that the proposed liquid waste disposal system or well site shall provide the same or better protection than setbacks provided for herein.

(D) The applicant shall be responsible for all engineering fees incurred by the village in evaluating the applicant's proposal. The fees shall be agreed to by the applicant and paid prior to being incurred, as the village will obtain a proposal from the engineer employed by the village to review the applicant's proposal and respond to the inquiry of the Board of Trustees.

(Ord. 131, passed 11-21-1989)

§ 52.10 RUNNING AND IRRIGATION OF WATER.

(A) It shall be unlawful to allow irrigation water to be turned on or otherwise allowed to run out of a recognized and established ditch onto the public streets.

(B) Any person who permits the running of irrigation water from a ditch located on their property onto the public streets or any person who is in control of an irrigation ditch who allows water to run out of the ditch onto the public streets after notice by a police officer or other law enforcement official of the village to take action as is necessary to prevent such water from running upon the streets shall violate this section and be subject to punishment.

(Ord. 103, passed 7-5-1983) Penalty, see § 52.99

§ 52.99 PENALTY.

Any violation of any act prohibited in §§ 52.01 through 52.10 of the Tularosa Code of Ordinances is hereby declared to be a misdemeanor and is punishable as set forth in § 10.99 of the Tularosa Code of Ordinances.

(Ord. 221, passed 2-22-2007)

CHAPTER 53: INDUSTRIAL WASTE

Section

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§ 53.01 TITLE.

This chapter shall be known as the Industrial Waste Chapter of the village.
(75 Code, § 6-6-1)

§ 53.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

C.O.D. or ***CHEMICAL OXYGEN DEMAND.*** A measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater as milligrams per liter (mg/l).

DOMESTIC SEWAGE.

(1) Water-borne wastes normally discharging from the sanitary conveniences of buildings, including apartment houses and hotels, office buildings, factories and institutions, free from storm surface water and industrial wastes.

(2) ***NORMAL DOMESTIC SEWAGE*** shall mean ***NORMAL*** sewage for the village.

GARBAGE. Solid wastes from preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL LIQUID WASTES. All water borne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage. ***INDUSTRIAL PROCESSES*** shall include, but are not limited to production or refining of petroleum and petroleum products, processing of foods or beverages, the production of fertilizers, keeping of livestock and operation of dairies, manufacture of paper, production of dyeing of textiles, production of soap or detergents or chemicals, cleaning of tanks, tank cars or barrels, plating of metals, processing or reclamation of refuse, all kinds of manufacturing and other similar operations, the washing of equipment or spaces used in industrial operations and the disposal of waste products contained in liquids from laundries, hospitals, grocery stores, restaurants and other public establishments. Unless the sewage contains the waste substances above described, ***INDUSTRIAL LIQUID WASTE*** shall not include wastewater resulting from the operation of hotels, motels, schools or other retail establishments other than those listed above, nor shall ***INDUSTRIAL LIQUID WASTE*** include wastewater from the operation of vehicle service stations, wash racks or garages. ***LIQUID INDUSTRIAL WASTE*** shall not include any domestic sewage from industrial or retail establishments.

INTERFERENCE WITH ANY SEWAGE TREATMENT PROCESS. Any condition or combination of conditions which causes degradation of the operational efficiency of a sewage treatment process.

pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.

PUBLIC SEWER. A sewer in which all owners of abutting properties shall have equal rights and is controlled by public authority.

SANITARY SEWER or SEWERAGE SYSTEM. A public sewer which transports sewage and to which storm, surface and ground water are not intentionally admitted.

SETTLEABLE SOLIDS. Those solids which settle during a preselected period of time as expressed in milliliters per liter of sample.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE TREATMENT PLANT or SEWAGE WORKS. Any facility, devices and structures used for receiving and treating sewage from the sanitary sewer system.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Sewage*, as prepared, approved and published jointly by the American Public Health Association and American Water Works Association and the Water Pollution Control Federation.

STORM SEWER. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

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

UNPOLLUTED PROCESS WATER. Any water or waste containing none of the following: free or emulsified grease or oil, acid or alkali, phenols or other substances imparting taste and odor to receiving water; toxic substances in suspension, colloidal state or solution; and noxious or odorous gases.
(^75 Code, § 6-6-2)

§ 53.03 DISCHARGE PROHIBITED.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
(^75 Code, § 6-6-3) Penalty, see § 10.99

§ 53.04 DESIGNATED DISCHARGE.

(A) Storm water and all other unpolluted drainage shall be discharged to sewers as are specifically designated as storm sewers or to a natural outlet approved by the Governing Body of the village.

(B) Industrial cooling water or unpolluted process waters may be discharged on approval of the Governing Body of the village to a storm sewer or natural outlet.
(^75 Code, § 6-6-4) Penalty, see § 10.99

§ 53.05 LIQUIDS AND WASTES; PROHIBITED DISCHARGE.

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

(A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

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

(C) Any herbicides and pesticides;

(D) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

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

(F) (1) Any amount of the following heavy metals:

(a) Antimony;

(b) Arsenic;

(c) Barium;

(d) Beryllium;

(e) Bismuth;

(f) Boron;

(g) Cadmium;

(h) Chromium (Tri);

- (i) Chromium (Hexes);
- (j) Cobalt;
- (k) Copper;
- (l) Iron;
- (m) Lead;
- (n) Manganese;
- (o) Mercury;
- (p) Molybdenum;
- (q) Nickel;
- (r) Rhenium;
- (s) Selenium;
- (t) Silver;
- (u) Strontium;
- (v) Tellurium;
- (w) Tin;
- (x) Uranyl ion; and
- (y) Zinc.

(2) Dilution of toxic materials and heavy metals in lieu of removal is not acceptable.
(^75 Code, § 6-6-5) Penalty, see § 10.99

§ 53.06 DESCRIBED SUBSTANCES.

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Governing Body of the village, that the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse affect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance.

(B) In forming an opinion as to the acceptability of these wastes, the Governing Body of the village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

(C) The substances which must be considered are:

(1) Any liquid or vapor having a temperature higher than 150°F or 65°C;

(2) Any water or waste containing fats, grease, wax or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F and 0°C and 65°C;

(3) Any garbage that has not been properly shredded; (The installation and operation of any garbage grinder larger than those normally manufactured and sold for residential and noncommercial use will not be installed without specific review and approval by the Governing Body of the village.)

(4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions can not be discharged to the sewerage system unless completely neutralized and approved by the Governing Body of the village for discharge;

(5) Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand if the discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment facility;

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

(7) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Governing Body of the village in compliance with applicable state and federal regulations;

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

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to sodium chloride and sodium sulfate);

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

(c) Unusual chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

(d) Slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of either the sewage treatment plant and/or collection system.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent can not meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(⁷⁵ Code, § 6-6-6)

§ 53.07 BOARD JUDGMENT; HANDLING OF WASTES.

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 53.06, and which in the judgment of the Governing Body of the village may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Governing Body of the village may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers; or

(3) Require control over the quantities and rates of discharge.

(B) If the Governing Body of the village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Governing Body of the village and state regulations and shall be subjected to the requirements of all applicable codes, ordinances and laws.

(⁷⁵ Code, § 6-6-7)

§ 53.08 TESTING.

Testing of an industrial waste will be performed by the Governing Body of the village. If either the Governing Body of the village or the industry requires more frequent tests, then those tests will be paid by the party requesting the analyses.

(⁷⁵ Code, § 6-6-8)

§ 53.09 TRAPS PROVIDED.

Grease, oil and sand traps shall be provided when, in the opinion of the Governing Body of the village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that the traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Governing Body of the village and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil traps shall be installed in all new filling stations, garages, restaurants and other new facilities wherein heavy discharge of grease and oil is to be expected.

(⁷⁵ Code, § 6-6-9)

§ 53.10 PRELIMINARY TREATMENT; FLOW EQUALIZING.

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

(⁷⁵ Code, § 6-6-10)

§ 53.11 CONTROL INSTALLATION.

When required by the Governing Body of the village, the owner of any property serviced by a building sewer carrying liquid industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, constructed in a manner as to prevent infiltration of ground and surface waters, and should be constructed in accordance with plans approved by the Governing Body of the village. The manhole shall be installed by the owner, at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.

(⁷⁵ Code, § 6-6-11)

§ 53.12 SAMPLES.

All measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. The control manhole shall be located so that sampling of the industrial waste will be performed before discharge into the public sewerage system. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will be determined whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, C.O.D. and settleable solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(⁷⁵ Code, § 6-6-12)

§ 53.13 RATE SCHEDULE.

The Governing Body of the village shall take necessary steps to establish a rate schedule for sewer service that assures an equitable system of cost recovery. The purpose hereof is that the industrial users shall pay for the costs incurred by the Governing Body of the village in the construction, operation and maintenance of that portion of the wastewater treatment facilities related to industrial wastes.

(⁷⁵ Code, § 6-6-13)

§ 53.14 COST RECOVERY SYSTEM.

The cost recovery system shall satisfy the following conditions.

(A) The apportionment of costs must take into consideration the individual industrial user's contribution as related to the total waste load taking into account the volume and strength of all discharges.

(B) The costs to be considered should include:

(1) Amortization of the applicant's indebtedness for the cost of the treatment facilities (plant and interceptors);

(2) Operation and maintenance of the treatment facilities; and

(3) Any additional costs which are necessary to assure adequate treatment on a continuous basis.

(C) Substantial pre-payment of the capital investment or other financial commitments will be required from each industry that contributes 30% or more of the total volume or strength of the waste load to be treated by the project.

(^75 Code, § 6-6-14)

§ 53.15 INDUSTRIAL CHARGE.

(A) (1) The industrial charge will be calculated with the following formula:

$$IC = A + (K)(V) + \frac{a(SS-5)}{5} + \frac{b(COD-400)}{400}$$

(2) Where:

(a) **IC** = Industrial charge, dollars per year.

(b) **V** = Volume discharge, gallons per year.

(c) **SS** = Settleable solids of a given industrial waste, ml/l.

(d) **a = 0.6** = That fraction of the total cost which is attributable to settleable solids removal.

(e) **b = 0.4** = That fraction of the total cost which is attributable to chemical oxygen demand removal.

(f) **A** = Basic annual charge levied for being connected; whether or not sewage or other wastewaters are being discharged to the system, dollars per year.

(g) **K** = Annual charge per unit volume of waste, dollars per million gallons.

(h) **COD** = Chemical oxygen demand of a waste, mg/l.

(B) (1) If settleable solids concentration is less than five ml/l and chemical oxygen demand is less than 400 mg/l, the following formula shall apply:

$$IC = A + (K)(V)$$

(2) Where the terms are defined as in division (A)(2) above.

(^75 Code, § 6-6-15)

§ 53.16 HOUSE CONNECTIONS.

All house connections shall be regulated by and conform to the latest edition of the Plumbing Code of the state.

(⁷⁵ Code, § 6-6-16)

§ 53.17 SANITARY SEWER LINE AND CONSTRUCTION.

All new sanitary sewer line design and construction shall conform to the *Uniform Standard Specifications for Public Works Construction Projects*, 1970 Interim Edition, and applicable provisions of ASTM C.443. Should a conflict exist, the *Uniform Standard Specifications for Public Works Construction Projects* shall prevail.

(⁷⁵ Code, § 6-6-17)

