ORDINANCE NO. 2015-03

AMENDED JUNE 19, 2019

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AN ORDINANCE GOVERNING THE COLLECTION, TREATMENT, AND DISPOSAL OF WASTEWATER WITHIN THE TOWN; PROVIDING FOR PROCEDURES AND POLICIES FOR OBTAINING WASTEWATER SERVICE FROM THE TOWN; PROVIDING FOR THE AUTHORITY OF THE TOWN AND PROVIDING FOR FEES AND PENALTIES.

WHEREAS, pursuant to NMSA (1978), § 3-33-3, the governing body of the Town of Edgewood created and established, as a public body corporate and politic,

WHEREAS, the governing body of the Town of Edgewood is the ex-officio government of the Town; and

WHEREAS, the Town of Edgewood Administrator is responsible for managing the Town's wastewater system, but not the private sewage disposal systems, in accordance with the Ordinance adopted by the Town governing body.

NOW, THEREFORE, BE IT ORDAINED by the Town of Edgewood Governing Body, Edgewood New Mexico, as follows:

Section 1: General Provisions

1.01 Title
1.02 Purposes
1.03 Statutory Authority
1.04 Interpretations and Conflict
1.05 Definitions

Section 2: General Regulations

2.01 Use of Public Sewers Required
2.02 Private Sewage Disposal
2.03 Service area and Mandatory Connection Requirements
2.04 Sewer Service Connections
2.05 Connection Manhole
2.06 Prohibited Connections
2.07 Industrial Discharges
2.08 Request for Sewer Service
2.09 Review of Request for Sewer Service
2.10 Line Extensions and Capacity of Facilities
2.11 Grease Interceptor Facilities
2.12 Mandatory Connection Exemptions
2.13 Testing and Sampling
2.14 Ownership and Maintenance of Lines

Section 3: Fees

3.01 Free Services Prohibited
3.02 Fee Requirements
3.03 Payment Process

Section 4: Administration and Enforcement

4.01 Compliance by All Users
4.02 Liability of Property Owner
4.03 Violations
4.04 Enforcement Procedures for Violations
4.05 Enforcement Procedures for Delinquent Charges
4.06 Bill for Illegally Used Services
4.07 Customer Complaint Procedures
4.08 Voluntary Discontinuance of Service
4.09 Access to Property for Inspection
4.10 Severability
4.11 Advisory Board
4.12 Incorporation of Ordinance into Contract
4.13 Rules and Regulations

SECTION 1. GENERAL PROVISIONS

§ 1.01 TITLE

The provisions of this Ordinance shall be known as the Sewer Use Ordinance of the Town of Edgewood, New Mexico.

§ 1.02 PURPOSES

This Ordinance sets forth uniform requirements for users of the Town of Edgewood Wastewater collection, treatment and disposal facilities (facilities), and enables the Town to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.). The objectives of this Ordinance are:

a. To prevent introduction of pollutants into the facilities that will interfere with the operation of the facilities
b. To prevent the introduction of pollutants into the facilities which will pass through the Edgewood Wastewater Treatment Plant (EWWTP), inadequately treated, into receiving waters or otherwise be incompatible with the facilities
c. To ensure that the quality of the Wastewater Treatment Plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations
d. To protect EWWTP personnel who may be affected by Wastewater and sludge in the course of their employment and to protect the general public
e. To improve the opportunity to recycle and reclaim Wastewater and sludge from the EWWTP
f. To establish policies for obtaining wastewater service from the Town, payment of fees, and commitments for service.
g. To define who can be served by the Town Wastewater Facilities
h. To establish processes and fees for connection, and usage of the Wastewater Facilities
i. To provide penalties for violations of this chapter
j. To allow for establishment of an Advisory Board.

§ 1.03 STATUTORY AUTHORITY

The authority for this chapter is found in NMSA §§ 3-18-1, 3-18-22, 3-18-25, 3-23-1 through 3-23-10, 3-26-1 through 3-26-3, and 3-36-1 through 3-36-7.

§ 1.04 INTERPRETATIONS AND CONFLICT

a. *Federal and state conflict.* Any provision of the U.S. or State law, which imposes a greater duty, standard or requirement than those contained herein shall supersede the provisions of this chapter.

b. *Conflict within this chapter.* If two or more provisions of this chapter are conflicting, the most restrictive provision shall apply.

c. *Local conflict.* Where the provisions of any local ordinance, regulation or legal covenant provide for greater restrictions than those of this chapter, the more stringent regulations or restrictions shall prevail.

§ 1.05 DEFINITIONS

Words used in the present tense include the future tense, and words used in the future tense include the present tense. All pronouns used in this Ordinance shall include the masculine, feminine, and neuter gender, in addition to the singular and the plural, and the context of this Ordinance shall be read accordingly. The words "shall" and "must" are mandatory, and the word "may" is permissive. All references to days shall be to calendar days unless otherwise indicated. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words defined herein are capitalized throughout the text of this Ordinance.

APPLICANT. The Owner or his/her designee serving as the responsible party for any application to receive service from the Town's Wastewater Facilities.

BOD. (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter, as determined by Standard Methods procedure in five days at twenty degrees centigrade expressed in milligrams per liter (mg/1).

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five feet outside of the inner face of the building wall.

BUILDING SEWER. The extension from the Building Drain to the Public Sewer or other place of disposal.

COD. (Chemical Oxygen Demand) The quantity of oxygen utilized in the chemical oxidation of organic and inorganic matter under standard laboratory procedure by the dichromate reflux method expressed in milligrams per liter.

COMBINED SEWER. A Sewer receiving both surface runoff and sewage.

COMMERCIAL WASTEWATER. Commercial wastewater means non-toxic, non-hazardous wastewater from commercial facilities which is usually similar in composition to domestic wastewater, but which may occasionally have one or more of its constituents exceed typical domestic ranges.

DWELLING UNIT. A room or suite of rooms with kitchen and bath facilities designed as a unit for occupancy by one family.

EASEMENT. The right or privilege that a Person or Persons may have in another's land such as rite of passage; commonly associated with road and Utility corridors.

ENGINEER. A professional engineer licensed in the state of New Mexico.

ERU. Equivalent Residential Unit, as defined by the Town's governing body.

ESTABLISHMENT. A multi-family housing, an apartment, a condominium or townhouse complex, a mobile home park, a commercial or institutional development, or places of business or assembly. An Establishment includes all building or structures and the land pertaining thereto.

FUNCTIONING WASTEWATER SYSTEM. A wastewater system that is operating as designed and as permitted by Environmental Protection Agency (EPA) and the State of New Mexico Environment Department (NMED).

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

GROUND WATER. Interstitial water that occurs in saturated earth material.

INDUSTRIAL USERS. All customers discharging industrial waste to the Sewer System as hereby defined;

i. Industrial Users subject to categorical pretreatment standards.

ii. Industrial Users that discharge an average of 25,000 gpd or more of process Wastewater or which contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant.

iii. Any other industrial user that is designated as significant by the Town on the basis that the industrial user has a reasonable potential for adversely affecting the treatment plant's operation or for violating any pretreatment standard or requirement. This shall include, but is not limited to, the following:

Auto body repair & paint shops
Auto repair
Auto wash
Bakeries
Battery manufacturing
Cooling plants
Dairies
Dry cleaners
Eating Establishments (restaurants)
Electroplating & metal finishing
Explosives & ammunitions
Fuel-oil dealers
Funeral services
Gasoline service stations
Gum &wood chemical manufacturing
Hospitals & medical offices
Laundries
Leather tanning & finishing
Lumber & building materials - Retail
Jewelry manufacturing
Machine and sheet metal shops
Meat & vegetable processing & packaging
Nursing care facilities
Paper mills
Paving and roofing
Pesticide processors and handling
Professional cleaning
Photographic processing
Printing
Rubber & plastics handling & manufacturing

Schools & universities research & teaching labs
Scrap and waste material handling
Stone, clay, glass & concrete products
Veterinary services
Woodworking shops

INTERFERENCE. Any condition or combination of conditions which causes degradation of the operational efficiency of a Wastewater Facility.

LICENSED PLUMBER. Any contractor meeting the criteria set forth in the State of New Mexico Construction Industries Division (NMCID) Rules and Regulations qualified to acquire permit for connection to the main line of the wastewater system and decommissioning and abandoning septic tanks.

LICENSED CONTRACTOR. Any contractor meeting the criteria set forth in the State of New Mexico Construction Industries Division (NMCID) Rules and Regulations qualified to acquire permit for connection to the main line of the functioning wastewater system, and to perform work defined as utility work.

MANDATORY CONNECTIONS. A connection which is required when sewer service is available.

MUNICIPAL OFFICE(S). The physical location of the Town of Edgewood Municipal Office by which day to day operations of the Town government occur.

NATURAL OUTLET. Any outlet into a Watercourse, pond, ditch, lake or other body of Surface Water or Ground Water.

NMCID. New Mexico Construction Industries Division

NMED. New Mexico Environment Department

NORMAL DOMESTIC WASTEWATER. Waterborne wastes normally discharging from the sanitary conveniences of buildings, including apartment houses and hotels, office buildings, factories and institutions, free from storm water and industrial wastes. Normal Domestic Wastewater shall consist of discharges that do not exceed the following characteristics:

(i) Biochemical Oxygen Demand (BOD) less than or equal to 300 mg/l; and

(ii) Total Suspended Solids (TSS) less than or equal to 200 mg/l; and

(iii)Ammonia Nitrogen (NH_3N) less than or equal to 45 mg/l.

OWNER. An individual, partnership, corporation, joint venture or other legally formed entity with ownership to property within the Town of Edgewood.

PERSON. Any individual, partnership, firm, public or private corporation, association, trust, estate, governmental entity, agency or institution, any other legal entity or their legal representative, agents, or a designee.

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

PROPERLY SHREDDED GARBAGE. Wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particles greater than one-half inch in any dimension.

PUBLIC SEWER or ***SEWER SYSTEM*** or ***SEWER*** or ***SANITARY SEWER.*** . A publicly owned wastewater collection system which includes, but is not limited to: the trunks, arterials, channels, conduits, manholes, pumps, pumping stations, piping, and other appurtenances necessary to collect Wastewater from a community, water district, corporation, company, or other entity that produces domestic sewage or a majority of domestic sewage mixed with other liquid wastes treatable in a Wastewater Treatment Facility which is subject to a National Pollutant Discharge Elimination System (NPDES) permit or a NMED discharge permit. The Public Sewer portion of a Wastewater Facility which transports Wastewater and to which storm, Surface and Ground Water are not intentionally admitted.

PUBLIC SEWER or SEWER SYSTEM or ***SEWER*** or ***SANITARY SEWER.*** A wastewater collection system, owned or operated by a governmental or quasi-governmental agency in which all owners of abutting properties shall have equal rights to connect and dispose of Wastewater, which includes, but is not limited to: the trunks, arterials, channels, conduits, manholes, pumps, pumping stations, piping, and other appurtenances necessary to collect wastewater from a community, water district, corporation, company, or other entity that produces domestic sewage or a majority of domestic sewage mixed with other liquid wastes treatable in a wastewater treatment facility which is subject to a National Pollutant Discharge Elimination System (NPDES) permit or a NMED discharge permit. The public sewer portion of a wastewater facility which transports wastewater and to which storm, surface and ground water are not intentionally admitted.

SHOCK. Any discharge of water, sewage, or industrial waste containing unusual amounts of toxic contaminants, algae, colloidal matter, color, suspended solids, turbidity, or other pollutants that may inhibit the Town's functioning wastewater system.

SLUG. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flow during normal operation.

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 Wastewater" as prepared, approved and published jointly by the "American Public Health' Association", the "American Water Works Association" and the "Water Environment Federation."

STANDARDS AND SPECIFICATIONS. A compilation of standard design requirements and drawings that have been approved for use in the construction of the Town's Wastewater Facilities.

SURFACE WATER. A recognizable body of water, including swamp or marsh areas and natural or constructed ponds contained within a recognizable boundary. This does not include retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOXIC, HAZARDOUS, OR INDUSTRIAL WASTE. All waterborne solids, liquids or gaseous wastes resulting from an Industrial User, or from the development of any natural resource or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

Include, but not limited to: Wastewater carried off by floor drains, utility sinks, and equipment drains located in buildings from an Industrial User.

TOTAL KJELDAHL NITROGEN (TKN). The total concentration of organic nitrogen and ammonia in wastewater.

TOTAL SUSPENDED SOLIDS (TSS). Solid materials, including organic and inorganic, that are suspended in the wastewater.

TOWN. The Town of Edgewood and its incorporated boundaries as defined by the most current map as adopted by the governing body.

TOWN ENGINEER. Person employed or contracted by the Town for the purpose of overseeing the Town's engineering concerns.

TOWN ADMINISTRATOR. Person serving in an administrative or managerial role for the Town's governing body, or his or her designee. More than one person may be identified as a designee for the purpose of fulfilling any or all of the obligations of the Town Administrator as required herein, provided however, that in all instances the designee shall be fully qualified to carry out any duties assigned. Designees may be either Town employees or independent contractors.

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 capacity approved by the Town.

UNPOLLUTED PROCESS WATER. Any water or waste containing none of the following: 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.

UPC. Uniform Plumbing Code.

UTILITY. Water, Sewer and/or other public work furnished by the Town to consumers thereof.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

WASTEWATER. The used water of a community. Such used water may be a combination of the liquid or water-carried wastes removed from residences, commercial buildings, industrial plants, institutions and other Establishments, including bath and toilet wastes, laundry waste, and kitchen waste not including toxic, hazardous, or industrial waste.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, transport and treat domestic, commercial, industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT FACILITIES or ***WASTEWATER TREATMENT PLANT.*** Also known as EWWTP. An arrangement of devices and structures for treating Wastewater, industrial wastes and sludge.

WEF. The Water Environment Federation.

SECTION 2. GENERAL REGULATIONS

§ 2.01 USE OF PUBLIC SEWERS REQUIRED

a. It shall be unlawful to discharge to any Natural Outlet within the Town or in any area under the jurisdiction of the Town any sewage or Wastewater or other polluted water, except where suitable treatment has been provided, in accordance with subsequent provisions of this Ordinance.

b. It shall be unlawful for any Person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Edgewood and any area under the jurisdiction of the Town of Edgewood, any human or animal excrement, Garbage, or other objectionable waste.

c. It shall be unlawful for any Person to maliciously, willfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Public Sewer system.

d. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage.

§ 2.02 PRIVATE SEWAGE DISPOSAL

a. *When Permitted.* Where a public Sanitary Sewer is not available under the provision of this Ordinance, the Building Sewer shall be connected to a private sewage disposal system, complying with the provisions of this article.

a. *Notification of Town.* Before commencement of construction of a private sewage disposal system, the Owner shall send copies of the permit obtained from NMED, together with any plans, specifications, and other information.

b. *Design Requirements.* The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements and recommendations of NMED.

c. *Permit.* Permitting of private sewage disposal systems shall be from NMED.

d. *Operation and Maintenance.* The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the Town.

e. *Abandonment.* Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned in accordance with the requirements of the NMED within thirty (30) days from the time of connection to the Town's Wastewater Facilities, and filled with clean soil, sand or gravel. The Contractor or Individual who completed the abandonment of the system will certify to the Town that abandonment has been done in accordance with the NMED regulations.

*§ 2.03 SERVICE AREA AND MANDATORY CONNECTION REQUI*REMENTS

a. *Service Area Map.* This section applies to all situations where domestic, commercial, or industrial Wastewater is collected, treated, or disposed of, including functioning wastewater systems in existence prior to the effective date of this Ordinance, within the service limits of the EWWTP, unless the chapter indicates otherwise. A map defining the current service area,

accepted by resolution of the Town's governing body, is hereby made a part of this chapter. All subsequent amendments, revisions, and/or updates to the service area map shall be subject to this Ordinance once adopted by resolution.

b. *Mandatory Residential Sewer Connection Required.* Residential lots with a primary structure must connect to the sewer at such time as functioning collection lines are available. Connection must be completed within six (6) months of availability. The six (6) months begins following the date of receipt of a certified mailing from the Town of Edgewood announcing the system is complete and ready for service.

   The following defines what residential lots must connect: For a residential lot, a sewer line exists in a public easement or right-of-way that abuts the property line of the parcel and is within 150 feet of the primary structure on the property.

c. *Mandatory Connection Requirement.* All commercial enterprises must connect to the Sewer at such time as functioning collection lines are available. Connection must be completed within six (6) months of availability. (See below for definition of availability). The six (6) months begins following the date of the notice of availability from the Town announcing the system is complete and ready for service. Failure to connect to the system within this six (6) month period shall be deemed a misdemeanor, and the household/improved lot and commercial enterprise shall be billed as if it were connected.

d. Timing of Connection.
   a. If a Public Sewer system is available, all new structures or enterprises requiring Wastewater disposal shall be connected to the Sewer System prior to the structure being occupied. (See below for definition of availability).
   b. If a Public Sewer system is available to a proposed subdivision, every lot in that subdivision shall be, at the property line of each lot, provided access to the Sewer by the developer.

e. *Availability Defined.* A public Sewer system is available to a lot that will be or is generating Wastewater or has a structure that has generated Wastewater whenever the following conditions are met:
   1. Any Person whose building is on a lot or land adjoining a Town street, public easement, or right-of-way in which a Sewer System exists, and which any portion of the building is within one hundred fifty (150) feet of a Sanitary Sewer main;
   2. For proposed residential subdivisions with five (5) or fewer lots, if there exists a sewer line or lift station in a public easement or right-of-way that abuts a boundary line of the subdivision; or
   3. For proposed residential subdivisions with more than five (5) lots and for proposed subdivisions to be used for commercial, industrial, or manufacturing purposes, or its equivalent, if there exists a Sewer System or project (that may or may not be under construction) that abuts a boundary line of the subdivision.

f. A sewer service map will be established by resolution of the Town's governing body in accordance with paragraph (a) of this section. The map shall be updated from time to time by resolution as additional sewer lines are constructed. The map and successor maps are hereby incorporated as a part of this chapter.

g. Grade, depth of cut, grinder pump required and any construction related issue to connect a dwelling or Establishment to the Sewer, does not negate the availability and the dwelling or Establishment must connect and comply with this chapter.

h. Single vacant lots within the service area are not required to connect to the Sewer System until such time the lot is developed or built upon.

§ 2.04 SEWER SERVICE CONNECTIONS

a. There shall be two classes of Building Sewer service connections: (1) residential sewer service, and (2) commercial, institutional/ governmental or industrial sewer service. In either case, the Applicant shall apply to the Town with a request for sewer service, as detailed in this Ordinance.

b. A Sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer lines, pumps, and Wastewater Treatment Facilities, have sufficient reserve capacity to adequately and effectively handle the additional anticipated waste load.

c. *Costs.* All costs and expenses incidental to the installation and connection of the Building Sewer shall be borne by the Applicant. The Applicant shall indemnify the Town against any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

d. *Separate Building Sewers Required.* A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

e. *State permits required.* A plumbing permit shall be obtained from the New Mexico Construction Industries Division (NMCID) before any connections are made to the Town's sewer system by the Owner and/or his Licensed Contractor, as required for new construction, remodel, expansion pursuant to law.

f. Service connections made by a Licensed Contractor.

    1. All connections to the Town's Sewer System (including the stub out from the sewer main line) shall be made by a Licensed Plumber, subject to observation, inspection, and approval of the Town's Administrator, and in compliance with the UPC, New Mexico Plumbing Code, the Town's applicable policies and procedures, as well as the Town's Standards and Specifications.

    2. The Town may require additional measures such as traffic control from the Licensed Contractor. If the connection is required to cut pavement in order to get to the main line, the contractor will be required to replace the pavement, at a minimum, to its original condition.

    3. The contractor shall adequately guard all the excavations for Building Sewer installation with barricades and lights so as to protect the public from hazard. The contractor shall restore all streets, sidewalks, parkways, and other public property

disturbed during the course of the work, in a manner satisfactory to the Town Administrator.

g. Design Requirements, Compliance with Codes.
    1. The size, slope, alignment and materials of construction of a Building Sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules, regulations, Standards and Specifications of the Town and the State of New Mexico.
    2. The materials and procedures set forth in appropriate specifications of the American Society of Testing Materials and the Water Environment Federation Manual of Practice No. 9 shall apply.
    3. All such connections shall be made gastight and watertight.
    4. Any deviation from the prescribed procedures and materials must be approved by the Town Administrator before installation.

h. *Gravity Flow or Lift*. Whenever possible, the Building Sewer shall be brought to the building at an elevation below the lowest finished floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, sanitary sewage carried by such Building Drain shall be lifted by an approved means and discharged to the Building Sewer. The operation and maintenance of such lifts shall be by the Owner.

i. *Inspections*. Upon completion of the connection and abandonment of the private sewage disposal system, if any, the Owner and/or their Licensed Plumber or contractor shall complete the required NMCID inspections. A copy of the inspection report shall be submitted to the Town. Within seven (7) days, the Town Administrator shall inspect the connection. The connection shall not be covered until it has been inspected by the Town Administrator.

j. *Use of Old Building Sewers*. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Town Administrator, to meet all requirements of this Ordinance.

k. *Prohibitions*.
    1. No Person shall in any way interfere with the employees of the Town in any discharge of their duties in the tapping of any Sewer pipe, main or lateral.
    2. No Person shall dig up or cause to be dug up any street, alley, or right of way in the Town for the purpose of connecting to the Town's Sewer without prior written consent.
    3. No Person shall connect with or tap into the Sewer System of the Town without first obtaining a permit.

l. *Abandonment of Connections*. No Person shall abandon any building connection without first obtaining a written permit therefore. Such building connection shall be effectively sealed with a vitrified clay stopper inserted in the bell of the Sewer extending to the property line. Said stopper shall be installed as directed by the Town's Standards and Specifications.

§ 2.05 CONNECTION MANHOLE

a. The Town Administrator may require the Applicant to install a connection manhole in order to facilitate observation, sampling and measurement of the wastes discharged into the Town's Sewer System.
b. All commercial Establishments where grease Traps or sand and grease interceptors are required by this chapter or by the UPC, shall be required to construct a connection manhole at the point of connection to the Town Sewer System.
c. All industrial Establishments serviced by a Building Sewer carrying Industrial Liquid Wastes shall be required to construct a connection manhole at the point of connection to the Town Sewer System.
d. All public service buildings, schools, and other public service Establishments shall be required to construct a connection manhole at the point of connection to the Town Sewer System.
e. Commercial Establishments with adequately sized sewer service that is in good condition, and which can be classified as either commercial retail business, or office building, shall not be required to construct a Town standard connection manhole, provided the Establishment has no more than five (5) ERU's connected, as determined by this Ordinance.
f. The connection manhole shall be at a point to be designated by the Town Administrator, and shall be located so that sampling of the waste can be performed before discharge into the Public Sewer system.
g. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be clean, safe and accessible at all times.
h. When required by the Town Administrator, the Owner of any property serviced by a Building Sewer carrying Industrial Liquid Wastes shall be required to equip the connection manhole with a suitable flow meter(s) and other appurtenances in order to facilitate continuous sampling and monitoring of the wastes.
i. All manholes shall be constructed in such a manner as to prevent infiltration of Ground and Surface Waters and constructed in accordance with plans approved by the Town Administrator.
j. Nothing in this section shall be construed to relax or modify the building requirements of the UPC or the Town's Standards and Specifications.

§ 2.06 PROHIBITED CONNECTIONS

a. 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 process waters to the Town Sewer System.
b. Pluvial or storm water drains from yards, and other surfaces shall not, under any circumstances, be connected to the Town Sewer System. Any such connections are unlawful and shall be subject to the penalties and enforcement in accordance with this chapter.
c. Wastewater from Recreational Vehicle (RV) parks shall not, under any circumstances, be connected to the Town Sewer System unless arrangements for pretreatment and/or flow equalizing facilities are identified through a negotiated agreement with the Town, as approved by the Town Administrator.

d. Wastewater or sewage from septage trucks and liquid waste disposal trucks shall not be connected to the Town Sewer System. In the event special circumstances exist which require connection, or for which mitigating measures may be taken, connection to the Town Sewer System may be permitted upon the express, written approval of the Town Administrator setting forth the conditions of the connection and any additional measures which must be taken.

e. Combined Sewers which are conduits carrying both storm water and Wastewater shall not, under any circumstances, be connected to the Town Sewer System.

f. Only one (1) lot shall be connected into any one (1) service connection. No neighboring lot or dwelling is allowed to connect to an adjacent service line. Special circumstances will only be permitted upon the express, written approval of the Town Administrator.

g. *Prohibited Substances*. No Person shall discharge or cause to be discharged any of the following described liquids or wastes to any Public Sewers:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas or any other waste which creates a fire or explosive hazard in sewers and Wastewater Facilities.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases or oxygen demanding wastes in sufficient quantity, either singly or by interaction with other wastes, to damage or interfere with any Wastewater Facility, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the Wastewater Treatment Facilities.
3. Any waters or wastes containing herbicides and pesticides.
4. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable or causing damage or hazard to structures, equipment and personnel of the Wastewater Facility.
5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other Interference with the proper operation of the Wastewater Facility such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground Garbage, whole blood, paunch manure, hair and flesh, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
6. Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause Interference with the Wastewater Facility.
7. Any trucked or hauled waste, except at discharge points designated by the Town and authorized by the Town Administrator.
8. Any waters or wastes which imparts color which cannot be removed by the treatment process such as, but not limited to dye wastes and vegetable tanning solutions.
9. Any waters or wastes containing any radioactive wastes or isotopes.
10. Any of the following metals or substances exceeding discharge limits promulgated by the US EPA National Categorical Pre-treatment Standards in accordance with the Clean Water Act and by the State of New Mexico Water Quality Control Commission Standards for Ground Water:

Aldrin	Chromium (Hexa)	Mercury
Antimony	Chromium (Tri)	Molybdenum
Arsenic	Cobalt	Nickel
Barium	Copper Cyanide	PCB's
Benzo (a) Pyrine	Dieldrin	Rhenium
Beryllium Bismuth	Fluoride Heptachlor	Selenium
B.O.D.	Hexavalent	Silver
Boron	Chromium	Strontium
Benzene	Hexachlorobenzene	Tellurium
Cadium	Iron	Tin
Carbon	Lead	Uranium
Tetrachloride	Lindane	Zinc
Chlordane	Manganese	

11. Dilution of toxic materials and heavy metals in lieu of removal is not acceptable.

h. *Discharges Subject to Regulation.* No Person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Town Administrator that such wastes can harm the Wastewater Facility or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Town Administrator will give consideration to such factors as the materials of construction of the Sewers, nature and capacity of the Wastewater Facility, degree of treatability of wastes in the Wastewater Treatment Facilities and other pertinent factors. The substances which must be considered include, but are not limited to the following:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150°F, 65°C).
2. Any water or waste containing fats, grease, wax or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/1) or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one-hundred fifty degrees Fahrenheit (150°F, 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 allowed without specific review and approval by the Town Administrator.
4. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions cannot be discharged to the Wastewater Facility unless completely neutralized and approved by the Town Administrator for discharge.
5. Any waters or wastes containing iron, chromium, copper, zinc, or other objectionable

or toxic substances, or wastes exerting an excessive chlorine demand shall not be discharged into the Wastewater Facility if discharge of agents will prevent the achievement of an adequate chlorine residual in the effluent of the Wastewater Treatment Facilities.

6. Any waters or wastes containing phenols or other taste or odor-producing substances, in concentrations exceeding limits, which may be established by the Town Administrator after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Town Administrator in compliance with applicable State and Federal regulations.
8. Any waters or wastes having a pH in excess of 9.0.
9. Any waters or wastes 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 chlorine and sodium sulfate).
   (b.) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
   (c.) Unusual chemical oxygen demand, or biochemical oxygen, or chlorine requirements in such quantities as to constitute a significant load on the Wastewater Treatment Facilities.
   (d.) Slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of the Wastewater Facility.
10. Any waters or wastes containing substances which are not amendable to treatment or reduction by the Wastewater Treatment Facilities employed, or are amenable to treatment only to such degree that the effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

i. *Administrator's Discretion.* If any waters or wastes are discharged, or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in this section of the ordinance, and which in the judgment of the Town Administrator may have a deleterious effect upon the Wastewater Facilities, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town Administrator may:
   (i) reject the wastes;
   (ii) require pretreatment to an acceptable condition prior to discharge to the Public Sewers; and/or
   (iii) require control over the quantities and rates of discharge.

   If the Town Administrator 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 NMED and the Town Administrator, and shall be subject to the requirements of all applicable regulations, ordinances and laws.

j. Any such connections or discharges described in this section are unlawful and shall be subject to the penalties and enforcement in accordance with this Ordinance.

k. If any of the above connections / discharges are discovered, the Owner of the property that is connected / discharging in violation of this Ordinance shall remedy the situation within ten (10) days from the issuance of notice by the Town. Failure to comply with the notice shall result in penalties and enforcement action in accordance with this Ordinance.

§ 2.07 INDUSTRIAL DISCHARGES

a. Industrial Users discharging to the EWWTP will have their discharge evaluated by the Town Engineer on a case by case basis to determine pre-treatment and reporting requirements.

b. Any commercial discharge which meets the definition of an industrial user as listed in Definitions, or if the Town determines that commercial discharge may be detrimental to the Wastewater Treatment Facility processes shall also be evaluated by the Town Engineer on a case by case basis to determine if pre-treatment and reporting requirements are required.

c. Engineering evaluation of such discharges will be the responsibility of the Applicant and must be submitted with the Application for Service.

d. Engineering evaluation will be at the expense of the Applicant.

e. Maintenance of Pre-Treatment and Flow-Equalization Facilities.

    1. All Industrial Users and all commercial dischargers that meet the definition of Industrial Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I Subchapter N Parts 405-471.
    2. All such users shall provide Wastewater pre-treatment as necessary to comply with this Ordinance.
    3. Where preliminary treatment or flow-equalizing facilities are required by the Town Administrator for any Industrial Liquid Wastes, they shall be maintained continuously in satisfactory and effective operation and at the expense of the Owner.

§ 2.08 REQUEST FOR SEWER SERVICE

a. *Permission Required.* No Person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenances thereof without first obtaining a written permission from the Town Administrator.

b. *Requests for Service.* All requests (applications) for sewer service shall be made to the Town.

    1. The Owner shall make application for service on the form designated by the Town.
    2. The Owner or his agent shall submit to the Municipal Offices the application form together with the required fees as established by Ordinance of the Town governing body.
    3. All requests for residential single or residential multi-unit developments, commercial and/or other Establishments involving Wastewater flows in excess of 2000 gallons per day shall be submitted, in writing, by a Licensed Professional Engineer, unless otherwise approved by the Town.
    4. The application shall be supplemented by any plans, specifications, and any other

supporting documentation in order to help the Town Administrator make a decision about the connection.

§ 2.09 REVIEW OF REQUESTS FOR SEWER SERVICE

a. A service agreement or a written permission shall be obtained from the Town Administrator prior to construction of any Sewer System, whichever is necessary as described below.

b. The Town will review the application and initial request to determine the apparent feasibility and requirements for providing sewer service. Within thirty (30) days of receipt of the request, the Town will issue a written response, indicating the availability or unavailability of sewer service, or to request additional information prior to making a determination.

    1. In the event that the Town requests additional information from the Applicant in order to make a determination, the Applicant shall provide the information within fifteen (15- days, unless extended in writing by the Town Administrator).
    2. If the proposed connection does not violate any provision herein and does not violate any other ordinance or resolution of the Town, and if adequate sewer service is immediately available and an extension of service lines or facilities is not required for service, the Town will issue a written response indicating the acceptance of service request.
        (i) Within thirty (30) days, or at the time a development review permit is issued; whichever occurs first; the Applicant shall pay the sewer service tap and capacity fees as determined by this Ordinance.
        (ii) Time extensions may be granted for periods not to exceed three (3) months, provided capacity within the functioning Wastewater system remains available, and provided that a request for an extension is submitted in writing within fifteen (15) days of Town's initial written response.
        (iii) If a request for a time extension or a payment is not received within thirty (30) days, or at the time a development review permit is issued, the application shall be considered withdrawn, and a new application for sewer service shall be required.
    3. If the proposed connection does not violate any provision herein and does not violate any other ordinance or resolution of the Town, but if the sewer service is not immediately available and / or an extension of service lines or facilities are required for service, the Town will issue a written notice indicating the limitations and the necessary steps to make service available to the Applicant.
        (i) If insufficient capacity exists, service will be deemed not available. The Town, at its option, may approve or disapprove the extension / connection request.
        (ii) If service is deemed not available due to insufficient capacity, then the developer / Applicant may agree to fund the total cost to expand the capacity in addition to the applicable service tap fee and monthly service fees, as defined by this Ordinance.
        (iii) If service is deemed not available due to lack of a collection line, then the developer / Applicant may agree to fund the total cost to extend existing line(s) /

install new line(s) in addition to the applicable service tap fees and monthly service fees, as defined by this Ordinance.

(iv) If the Applicant wishes to move forward with expanding capacity and/or extending collection lines in order to obtain sewer service from the Town, within thirty (30) days, the Applicant shall submit a letter to accept the conditions of the Town, in conjunction with the service tap and capacity fees as defined by this Ordinance.

(v) Once the Applicant's letter of acceptance and payment are received, the Town shall prepare a service agreement identifying the requirements for obtaining wastewater service.

(vi) The Owner shall execute the service agreement within sixty (60) days of issuance by the Town, otherwise the agreement and application for services is considered withdrawn and a new application shall be required.

(vii) A one-time extension for payment of fees may be granted for a period not to exceed three (3) months, provided capacity remains available, and provided that a request is submitted in writing within thirty (30) days of Town's initial written response.

(viii) If a time extension request and payment are not received within the specified timeframes, the application shall be considered withdrawn, and a new application shall be required.

c. If the proposed connection violates any provision herein or violates any other ordinance or resolution of the Town, the Town will issue a written notice to deny the request. If the Applicant chooses to remedy the conditions, a new application shall be submitted to the Town.

d. *Service Agreement*. The service agreement shall bind the Town to provide services to the Applicant, subject to receipt of payment of fees and appropriate regulatory approvals. Service agreements are non-transferable from one property to another; however, service agreements are transferable to a new Owner of the same property provided that there are no changes to the flow or, waste concentrations identified in the service agreement.

(i) *Expiration*. Unless otherwise agreed, unexecuted service agreements shall expire two (2) years from the date of issuance.

(ii) *Time Extensions*. Time extensions to service agreements may be granted for periods not to exceed six (6) months, provided capacity remains available, and provided that an extension request is submitted in writing no later than thirty (30) days before the expiration date of the service agreement.

(iii)Service agreements entered into prior to the effective date of this Ordinance, by which the Town agreed to accept advanced service tap fees and reserve capacity at its Wastewater Treatment Plant may be granted two (2) year time extensions.

§ 2.10 LINE EXTENSIONS AND CAPACITY OF FACILITIES

Line extensions will be allowed. Whenever an extension of the Town's sewer line is required to serve an Applicant or group of Applicants, the extension will be made under the following terms and conditions by the Applicant and in accordance with the Town's Standards and Specifications:

a. All line extensions will be permanent in nature and shall be in compliance with, and of a design matching, both the Town's Standards and Specifications, and future grade and size requirements.
b. All design and construction for line extensions will be completed or coordinated by the Town ,unless arranged otherwise through a negotiated agreement with the Owner.
c. All line extensions shall be sized to provide adequate service. In the event that the Town requires larger line size than is required to serve the Owner's needs, the Owner will not be required to absorb the difference between the Owner's required line size and the line size required by the Town; but in no event shall the extension costs to Applicant be based on lines smaller than those needed for providing service to the Applicant. The Town shall be the sole judge of proper line sizing in any new construction and shall be the sole judge of the line size cost to the Owner.
d. The line extension required to serve the Owner will be paid in full by the Owner requesting the line extension. The Town may enter into a negotiated agreement with the Owner to include a cost share between the Town and Owner, or credit the Owner to help relieve a portion of the cost. In no cases will the Town credit or cost share for full price of an extension.
e. All lines will be constructed in existing public roads, streets, Town-owned lands, alleys, or Easements. The Owner shall furnish such rights-of-way in the form of duly executed Easements without charge to the Town and shall secure other rights- of-way necessary to provide service over property not owned by the Owner.
f. Special conditions which affect the sewer service to an Owner or group of Owners such as elevation, terrain, volume required in existing mains, and other conditions resulting in increased costs to the Town in providing sewer service shall be taken into consideration by the Town and the cost thereof shall be added to the fee.

§ 2.11 GREASE INTERCEPTOR FACILITIES

a. Grease, oil, and sand Traps shall be provided when, in the opinion of the Town Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such Traps shall not be required for private living quarters or Dwelling Units.
b. All restaurants, cafeterias, institutional kitchens, and other installations having facilities for the preparation and serving of food in quantity, laundromats, car washes, gas stations, auto machinery garages and car washes, and art shops or art galleries, where the potential for discharge of grease, oils, and waxes into the Sanitary Sewer system exists, whose location is within the Town shall be required to install a grease interceptor.
c. All Traps shall be located as to be readily and easily accessible for cleaning and inspection.
d. All Traps shall be of a type and capacity approved by the Town Administrator and shall comply with the sizing requirements of UPC.
e. A standard connection and monitoring manhole may be required as detailed herein and in the Town Standards and Specifications.

f. Any facility as listed above, that is currently operating without the required grease interceptor, even though there have been no history of blockages caused at or downstream from their location, shall be required to install a grease interceptor and monitoring manhole per the Town's Standards and Specifications.

g. Any commercial or industrial facility, currently on private / on-site sewer systems, connecting to the Sewer System, shall install or show proof of installation of a grease interceptor, according to the parameters of this section and in the Town's Standards and Specifications, prior to approval of the application.

h. When any commercial or industrial facility is found to have grease interceptors which are inadequate to meet the requirements of this section, and is connected to the Sewer System, and/or is in the process of changing Owners, lessees or renters, the existing Owner shall be required to update the system in compliance with the Town's Standards and Specifications before the new Owner will be allowed to commence discharge.

§ 2.12 MANDATORY CONNECTION EXEMPTIONS

a. *Residential Sewer Service Connection Exemptions*

1. Residential properties who do not meet the distance requirement for connection.
2. Residential properties that have a working, permitted, onsite liquid waste system that is less than 15 years old and provide proof of permit to the Town of Edgewood.
3. Working, permitted onsite liquid waste systems that are more than 15 years old must be inspected every 5 years by a qualified third party evaluator in accordance with subsection B of 20.7.3.904 NMAC, and provide certification of such inspection in the form of a State of New Mexico Property Transfer Evaluation Form (Fo, iu L-W 902 Rev 1-23-19) for onsite liquid waste systems which must be provided to the Town of Edgewood.
4. Working, unpermitted for onsite liquid waste systems will have six months to provide proof of permit. The six (6) months begins following the date of receipt of a certified mailing from the Town of Edgewood announcing the system is complete and ready for service.

b. Any dwelling, industrial or commercial Establishment or enterprise, which meets the following Town criteria, may be exempt from mandatory connection to the Sewer System upon application for exemption and approval by the Town:

1. Based on the Town Engineer's recommendation, a temporary exemption from connection may be issued for those with unique situations, e.g. where a gravity flow connection is not available but will be in the future.
2. If an officially declared moratorium on new connections to the sewer system is in effect, temporary exemptions may be issued in accordance with the moratorium. The Town may for specified reasons, and at its discretion, declare a moratorium on connection(s).

c. All temporary exemptions will be reviewed at least annually by the Town Administrator who will present an annual report of such exemptions to the governing body.

d. Any building declared exempt from connecting to the Sewer System must have an approved on-site Wastewater disposal system which is in compliance with local, state and federal regulations.

§ 2.13 TESTING AND SAMPLING

a. *Location of Test Site*. All measurements, tests and analysis of the characteristics of Wastewater shall be determined at the connection manhole provided or upon suitable samples taken at such manhole.

b. *Sampling Methods*. All measurements, tests and analysis of the characteristics of Wastewater shall be determined in accordance with the latest edition of "Standard Methods".

   1. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewer System and to determine the existence of hazards to life, limb and property.
   2. A minimum of five samples collected no sooner than weekly and at peak flow hours anticipated from the establishment will be required. Sampling frequency and quantity can be changed at the Town's discretion.
   3. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate, or whether a grab sample or samples should be taken.
   4. Normally, but not always, BOD, COD, TKN and TSS analyses are required from all outfalls.
   5. In addition, fats, oils, and grease (FOG) sampling is required from all restaurants and other food establishments. Sampling frequency and quantity can be required at the Town's discretion.
   6. At the customers expense and the Town's discretion, the Town reserves the right to choose the entity and/or the person collecting the sample and the lab analyzing the sample.

c. *Access for Sampling*. The Town Administrator shall be allowed access to the properties of all Sewer users as necessary to sample, test, and measure all Wastewater discharges. Failure to allow such access may, at the Town's discretion; result in the discontinuance of sewer service to the property to which access is denied.

d. *Testing Commercial and Industrial Waste*. Testing commercial and industrial waste will be performed at least twice a year or whenever found necessary by the Town Administrator. The Person discharging the waste shall be liable for payment of all costs arising from the testing of the industrial waste.

§ 2.14 OWNERSHIP AND MAINTENANCE OF LINES

a. The Town shall own the sewer line from the sewer main to the property line. The customer shall own the service line from the property line to the building and facilities.

b. Maintenance and Repair of Sewer Lines from the Main to Property:

   1. The Town is responsible for the maintenance and repair of sewer lines from the

property line to the sewer main including taps, saddles, and wyes.

c. Maintenance and Repair of Service Lines:
    1. The Owner is responsible for the maintenance and repair of service lines connecting the building to the sewer main at the property line, including taps, saddles, wyes, meter manholes, meters, and lift pumps, if used.
    2. The Owner is also responsible for any damage to public property resulting from the failure of such service lines, such failure including, but not limited to, leaks or collapses.
    3. Upon failure of an Owner to comply with the provisions hereof, written notice by the building inspector shall be given demanding that maintenance or repair be made within thirty (30) days from the date of such notice. Upon failure to comply with such notice, then and in that event, the Town shall have the power and the authority to maintain or repair, the cost and expense of which shall be liened against any such property.

SECTION 3: FEES

§ 3.01 FREE SERVICES PROHIBITED

a. No free wastewater services shall be allowed.
b. For the services rendered to the Town, the Town shall be subject to the same charges provided in this chapter.

§ 3.02 FEE REQUIREMENTS

a. Properties being served by the Sewer System shall be subject to the following fees. The amount of each fee shall be determined by this Ordinance of the Town's governing body and shall be adjusted as provided by Ordinance.
b. *Wastewater Equivalent Residential Unit (ERU).* The ERU for wastewater usage for residential, non-residential, commercial and industrial units shall be established by Ordinance. The ERU shall be determined in accordance with Schedule A set forth herein, as it may be amended from time-to-time by ordinance of the Town governing body.
c. *Wastewater Fees*: As established by Ordinance of the Town's governing body, the fee for residential, non-residential, commercial and/or industrial customers shall consist of the three (3) following components:
    1. *Administrative Fee*. A charge for processing an application for service.
    2. *System Connection Fee.* A one-time charge for the cost of connection for any new service to the Sewer System shall be assessed in accordance with Schedule B set forth herein, as it may be amended from time-to-time, as it may be amended from time-to-time by ordinance of the Town governing body. The Owner shall bear all costs involving installation of a sewer line from the property line and connection to the sewer main including the installation of a stub-out. The connection fee shall cover the cost of overseeing the installation of the sewer main stub-out, sewer line

installation to the development, as well as any necessary fees for permitting. The Owner shall bear all costs involving decommissioning and abandoning of the existing system following NMED guidelines.

3. *Capacity Fee.* There will be a fee allowing connection to the Sewer System for the purpose of providing line, lift station or plant capacity to serve the customer. Capacity fees will be established by Ordinance of the governing body.

d. *Monthly Service Fee*: Monthly service charges shall be assessed in accordance with Schedule C set forth herein, as it may be amended from time-to-time, as it may be amended from time-to-time by ordinance of the Town governing body. As established by Ordinance of the Town's governing body, the monthly service fee for residential, non-residential, commercial, and/or industrial customers shall be based on the quantity of the Wastewater as well as the BOD, TSS, TKN and other concentrations of the Wastewater discharged to the system.

1. Extra-Strength Surcharge.
   (i) All Customers discharging Wastewater into the Sewer System, with or without pre-treatment facilities, are subject to a surcharge if the discharged Wastewater strength exceeds Normal Domestic Wastewater strength, as defined by this Ordinance.
   (ii) The Town shall determine the strength of the Wastewater. If it is determined that the Wastewater strength exceeds the limits defined by this Ordinance, a surcharge shall be levied at the rates established by Ordinance.
2. Volume Charge.
   (i) The volume charges will be based on the ERU calculation, as identified by Ordinance.
   (ii) The Town recognizes that sewage discharge patterns for individual customers may vary to a great extent from the norms of any particular class; therefore, any customer may, at their own expense, provide the Town with sewage flow data for consideration of a special wastewater discharge volume. Such data shall be certified by an Engineer licensed in the State of New Mexico. The Town expressly reserves the right to determine the estimated wastewater volume for any customer.

§ 3.03 PAYMENT PROCESS

a. Each connection to Sewer System shall have a customer account set up, upon payment of all administrative fees and system connection fees. All administrative fees and system connection fees shall be paid in full prior to the connection being made.
b. The Town will mail monthly bills to the Owners of record of lots connected to Sewer System as identified in the customer account. Monthly bills shall contain all Monthly Service Fees incurred, as well as any additional amounts which are due or outstanding on the account.
c. Monthly bills are due and payable fifteen (15) days after mailing, regardless of date received.
d. Payment can be made to the Town by mail with a check or money order or in person at the Municipal Office by cash, check, money order, credit card or automatic bank debit.

e. Receipts will be issued for payments made in person at the Municipal Office.
f. A late fee as set forth in Schedule C will be assessed for all accounts which are not paid prior to the due date.

SECTION 4: ADMINISTRATION AND ENFORCEMENT

§ 4.01 COMPLIANCE BY ALL USERS

All customers of the Town Sewer System shall comply with the provisions of this Ordinance.

§ 4.02 LIABILITY OF PROPERTY OWNER

Upon obtaining wastewater service by the Town, all Owners, including governmental agencies and political subdivisions, agree:

1. to pay for the wastewater service at the rates provided by Ordinance, whether or not the Owner is the user or consumer of the Utility service.
2. the charges for wastewater service shall constitute a lien upon the premises until paid superior to all other liens except general property taxes upon the property.

§ 4.03 VIOLATIONS

a. *Unlawful connections*. Any Person who shall make any connection in any manner to the Sewer System without the prior knowledge and consent of the Town shall be deemed guilty of a petty misdemeanor.
b. *Damage or trespass of equipment*. It shall be unlawful for any Person, not having authority to do so, to tamper with the sewer service, or to any other way molest damage or trespass upon any equipment or premises belonging to the Town.
c. *Connections; suitable treatment required*. It shall be unlawful to discharge to any Natural Outlet within the Town or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.
d. *Connections; failure to connect to Sewer System*. It shall be unlawful to fail to connect to the Town's Sewer System within the required amount of time after the Town has defined availability. Any Person who fails to connect to the Town's Sewer System within the required amount of time shall be deemed guilty of a misdemeanor, and shall be liable for monthly charges just the same as if they had connected.
e. *Prohibited connections*. No Person shall make connection to a Sewer System, with roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff, and privy, cesspool or other similar on-site facilities.
f. *Private Sewage System Decommissioning*. It shall be unlawful for any Person to fail to decommission any private on-site sewage disposal facilities within the required time after connection to Town's Sewer System.

g. *Other Violations.* Failure to fully comply with any provisions of this Ordinance, referenced resolutions, and/or the Town's Standards and Specifications shall be a violation of this Ordinance.

§ 4.04 ENFORCEMENT PROCEDURES FOR VIOLATIONS

a. *Notification of Violation.* Any Person found to be violating any provisions of this Ordinance shall be served by the Town Administrator with a written notice stating the nature of the violation and providing a reasonable time limit, not to exceed fifteen (15) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

b. *Legal Action.* For any Person found to be violating any provisions of this Ordinance, the Town Administrator may commence an action for appropriate legal and/or equitable relief in Municipal Court.

c. *Penalties.* Any Person who shall continue any violation beyond the time limit provided shall be guilty of a misdemeanor and on conviction thereof shall be fined up to three hundred dollars ($300.00) or imprisonment for up to ninety (90) days, or both. Each day this ordinance is violated shall constitute a separate offense. The conviction and punishment of any Person for a violation shall not excuse or exempt such Person from the payment of any fee due or unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution of any violation of the provisions of this ordinance.

d. *Disconnection of Service.* The Town Administrator may revoke any permit for sewer service as a result of violation of any provisions of this Ordinance. The Town may disconnect the violator's Building Sewer and refuse to provide sewer service to the violator until assurances satisfactory to the Town are provided by the violator that such violations shall cease.

§ 4.05 ENFORCEMENT PROCEDURES FOR DELINQUENT CHARGES

a. If any charge is unpaid within thirty (30) days after the charge is due; the account will be designated as delinquent.

b. After the sewer account has been designated delinquent, the Town can begin penalty, lien and foreclosure processes as spelled out in this Ordinance, establishing a lien process for overdue and unpaid Utility bills, providing for a procedure, and providing for penalties.

c. *Penalties.* Any Person whose account has been found to be delinquent shall be assessed a penalty of $5.00 per day, up to three hundred dollars ($300.00).

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

   If any bill for sewage charges remains unpaid for sixty (60) days, a lien on the property

receiving the sewage service shall be filed by the Town Administrator, as provided by NMSA (1978), § 3-36-1, et. seq., and shall be released only upon payment of the charges plus interest as provided by law.

e. *Disconnection of Service*. The Town Administrator may revoke any permit for sewer service as a result of delinquent charges. The Town may disconnect the violator's Building Sewer and refuse to provide sewer service to the violator until assurances satisfactory to the Town are provided by the violator that such violations shall cease.

f. *Waiver of Penalties*._For good cause shown, the Town Administrator may, at his/her sole discretion, waive, credit, and/or remove penalties from any account for the purpose of expediting the satisfaction of delinquent accounts. In the event the customer disagrees with the decision of the Town Administrator, the customer may appeal the decision to the Governing Body. Nothing herein shall be construed as authorizing the Town to waive, credit, or remove any amounts due for services received.

§ 4.06 BILL FOR ILLEGALLY USED SERVICES

a. Service connections to the Sewer System which are found to be constructed without a permit or otherwise have been undertaken without Town authorization or have not been billed for service in accordance with rates established by the governing body are deemed illegal and hereby prohibited.

b. Upon discovery and determination of an illegal connection, the Town shall inform the Owner in writing of the property being serviced by such a connection that the property is served by an illegal connection; and:

    1. Within fifteen (15) days of receipt of the Town's letter, the Owner shall contact the Town and complete all necessary steps to obtain Town's written permission or a service agreement, pay appropriate fees and obtain sewer service; or
    2. Within fifteen (15) days of receipt of the Town's letter, the Owner shall contact the Town with proof that the illegal connection is in fact done legally and pursuant to the Town ordinance.
    3. If within fifteen (15) days of receipt of the Town's letter, the Owner fails to contact the Town, the Owner is deemed in violation and will be cited into Municipal Court.

c. If the connection is deemed illegal, the Owner shall uncover the connection and have NMCID inspectors verify the connection was constructed to the applicable standards. The Owner will also uncover the septic tank location and have NMED inspectors verify the decommissioning and abandonment was completed in accordance with NMED regulations.

d. If the connection is found to be in violation of NMCID regulations, or Town Standards and Specifications, the Owner will have the connection removed and re-installed in accordance with said rules and regulations. If it is found that the septic tank has not been decommissioned by standards, the Owner will have the tank properly decommissioned and abandoned prior to receiving sewer service from the Town.

e. For any connection found to be illegal, the Owner shall be billed in the arrears for 24 months of service charges at the current authorized rates defined by Ordinance. If the Owner is not able to make full payment, a lien will automatically be placed on the property and the Owner shall make monthly payments to satisfy the debt within a one (1) year period; or in the event

that the Owner can demonstrate to the Town's satisfaction the actual time period that the illegal connection has been in existence, the Town will adjust the billing in the arrears for service charges to the period of actual connection at double the current billing rate.

f. If the Owner of a determined illegal connection fails to satisfy any requirements of the Town, the NMCID and the NMED, they will be in violation of the Ordinance and will be cited into Municipal Court and the property lien process will be commenced.

§ 4.07 CUSTOMER COMPLAINT PROCEDURES

a. If any residential or commercial sewer user believes that his or her user charges are unfair with respect to charges made to similar residential or commercial users, the user may request in writing to the Town Administrator that the charges be reviewed. The request shall set out in detail the facts and figures supporting the user's alleged unfair charge and a proposed solution.

b. The Town Administrator shall review the request and determine whether the charges are fair with respect to the charges of some other residential or commercial users. The Town Administrator's determination shall be made in writing. If the Town Administrator finds that the charges made are not fair, then he or she shall modify those charges to bring them into compliance with rates charged to other customers. If the Town Administrator finds that the charges are fair, no change in rates shall be made.

c. If the user does not agree with the determination of the Town Administrator, the user shall, within ten (10) days of receipt of the determination, request a hearing before the Town's governing body. If, upon such a hearing, a majority of those present and voting of the Town's governing body are of the opinion that the Town Administrator's decision is correct, then the decision shall be affirmed. Otherwise, the governing body shall have the power to revise the decision made by the Town Administrator. The same complaint may not be re-filed for three (3) years.

§ 4.08 VOLUNTARY DISCONTINUANCE OF SERVICE

Customers wishing to discontinue the use of wastewater service due to change in ownership shall give written notice thereof at the Municipal Offices. Failure to do so shall render them liable for the payment of all bills until the notice has been given. Dwelling vacancy, removal of manufactured dwelling or non-connection to the water system is not considered a voluntary discontinuance of service.

§ 4.09 ACCESS TO PROPERTY FOR INSPECTION

Employees of the Town shall be allowed access to any private property connected to the Sewer System at all reasonable times for inspecting the construction/ maintenance of all lines which it is responsible for hereunder, and for operation of the System. No Persons shall interfere with

such access.

§ 4.10 SEVERABILITY

If any part or parts of this Ordinance is held invalid, such holding shall not affect the validity of the remaining parts of this Ordinance. The Town of Edgewood hereby declares that it would have passed the remaining parts of this Ordinance even if it had known that such part or parts or application of any part thereof would be declared invalid and it is the intent of the Town of Edgewood that the unaffected remainder of the Ordinance continue in force.

§ 4.11 ADVISORY BOARD

a. An Advisory Board may be established made up of at least one (1) member of the Town's governing body or Town employee and at least three (3) members of the public.
b. If the Board is established, the duties and tasks will be defined by the governing body. Any suggestions or recommendations to the Town shall be advisory in nature, and they shall not be binding.

§ 4.12 INCORPORATION OF ORDINANCE INTO CONTRACT

All requirements contained in this Ordinance shall be considered a part of the contract of every Person utilizing the Sewer System; every Person shall be considered as having expressly consented to be bound thereby.

§ 4.13 RULES AND REGULATIONS

The Town's governing body shall have the authority to set by subsequent, rule, regulation, or ordinance the standards, specifications and policies, additional service areas, rates, expansion, line extension and line sizes and other charges, conditions of service and/or other matters, as may be deemed necessary, for the establishment, construction, expansion and maintenance and operation of the Edgewood Sewer System and/or Wastewater Treatment Plant. The rules, regulations, Standards and Specifications shall be filed in the office of the Town Clerk. Citations may be issued into Municipal Court based on an alleged violation of the rules, regulations, Standards and Specifications. A violation shall be deemed a petty misdemeanor.

PASSED, APPROVED AND ADOPTED by the Town Council, the governing body of Edgewood, at its regular meeting of **June 19, 2019**.

John Bassett, Mayor

ATTEST:

Juan Torres, Clerk/Treasurer

Schedule A
Estimation of Flow Volumes and ERU

ESTIMATING FLOW VOLUMES:

1. Estimating the sewer flows and ERU values from different establishments shall be based on New Mexico Administrative Code (NMAC) Title 20.7.3.201, as it may be amended from time to time.
    a. Sewer flows and ERU values for residential sources, the design flow shall be based on the number of bedrooms and shall be calculated at 80 % of the design flow as set forth in detail in NMAC 20.7.3.201 (P)(1):
    b. Wastewater flows from nonresidential sources shall be based on NMAC 20.7.3.201 (P)(1), Table 1 herein, or other generally accepted references, such as the New Mexico Plumbing Code or the EPA design manuals for on-site wastewater treatment and disposal.
    c. Wastewater flows for residential and nonresidential sources may also be based on:
        i. Professional engineering design calculations that bear the seal and signature of a professional engineer licensed in New Mexico, pursuant to the New Mexico engineering and surveying practice act and the rules promulgated under that authority. Such calculations shall be reviewed by a Town engineer, as appropriate;
        ii. The submittal of actual metered water use or effluent flow meter data. To use actual meter data to establish wastewater flow, the applicant must present at least one (1) year of existing meter data collected within the previous five (5) years. Calculations shall be based on the formula set forth in NMAC 20.7.3.201 (P)(1), provided however, that:
            1.) Meter data or certification by a professional engineer shall not be used to determine wastewater flow on exclusively residential properties consisting of less than five residential units.
            2.) If meter data is not representative of the actual wastewater discharge, as determined by the Town, the applicant may be required to submit additional meter data or the Town may disallow the use of meter data where its use would result in a gross misrepresentation of the wastewater discharge.
            3.) The Town may require a calibration of the meter used for determining water or wastewater flow and may disallow the use of inaccurate meter data. Applicants may be required to make future records of metered flow available for inspection by the Town.
        iii. Any other method authorized by NMAC 20.7.3.201 (P)(1) or state law.

Table 1. Wastewater Generation Rate Standards to be used in Estimating Flow Volume (V) Based on Other References

Description of Use	Wastewater Generation Rate Standard
Automobile Service station Add for employees	10 gpd per vehicle served 20 gpd per employee
Conference center	8 gpd per person
Mobile home park	150 gpd per unit
Septic tank haulers	**Not accepted**
Shopping centers Add parking space Add food courts separately	20 gpd per employee 5 gpd per space See Food operations line item
Industrial establishment with sanitary waste only	20 gpd per employee
Warehouse	100 gpd per loading bay
Other developments that are not listed*	10 gpd per 100 square foot

* *Customers who provide, to the satisfaction of the Town, an application fee, records and supporting documentation that indicate a significant portion of their domestic water meter usage does not enter the sewer system will be charged a fee based on the volume actually entering the sewer system or;*

Customers may apply to request a different wastewater generation rate standard with appropriate supporting documentation referencing commonly accepted industry practices for a given type of development, which documentation must be signed and sealed by a licensed professional engineer in the State of New Mexico.

Any modification authorized pursuant to this provision will be for a term not to exceed twelve (12) months. Any customer wishing to extend this modification beyond the twelve (12) months period must submit a new application recertifying the requested rate.

ESTABLISHING ERU:

Equivalent Residential Units (ERU) will be calculated as follows for each development:

$$ERU = V / 375$$

Where:

V = Flow volume calculated based on the wastewater generation standard listed in NMAC 20.7.3.201 (P)(1).

375 = Flow volume equivalent of 1.00 ERU in gpd

Schedule B

System Connection Fee

Commercial properties with multiple tenants will be treated as one commercial connection and will be billed at the highest use rate calculated based on the tenants and approved zoning. If the tenant and the usage changes, the Owner may submit an application, fee, and sufficient records and support documentation to enable the Town to adjust the rates to the appropriate use.

All separate buildings on a lot each separate building must have a separate connection application submitted in order for connection to be made.

FEES FOR ALL CONNECTIONS:

Unless otherwise provided in a service agreement, the service tap and capacity fee for all new construction must be paid at the time a development review permit is issued, or within thirty (30) days of receiving notice of service availability, whichever occurs first,.

Fee Type	Fee ($)
Application Fee	*$100.00 fee per application*
Service Tap Fee	*$750.00 fixed one-time fee*
Capacity Fee	*$3,500.00 per ERU*
Additional Fees	*Any other fees determined necessary by the Town based on the unique circumstances of the application, including but not limited to costs related to permitting, easements, closed circuit television (CCTV) of existing lines, and any other similar requirements.*

ADJUSTMENT IN RATES AND CHARGES

Annual Rate Adjustment: Effective each year on July 1, wastewater rates will be automatically adjusted by the amount indicated on the Consumer Price Index (CPI) report, as defined by the Bureau of Labor Statistics, for the end of the previous calendar year. No additional action shall be required by the Town in order for the Annual Rate Adjustment based on the CPI to take place. The first Annual Rate Adjustment based on the CPI shall occur no earlier than 365 days after adoption of this Ordinance.

Tax Adjustments: Billings may be increased by an amount equal to the sum of the taxes payable under the gross receipts and compensating tax act and of all other taxes, fees or charges (exclusive of state and federal income taxes) payable by the utility and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

Schedule C
Monthly Service Charges

Commercial properties with multiple tenants will be treated as one commercial entity and will be billed at the highest use rate possible for the approved zoning. If the tenant and the usage changes, the Owner may submit an application, fee, and sufficient records and support documentation to enable the Town to adjust the rates to the appropriate use.

If there are separate businesses on a commercial lot, each business will be billed separately and at an appropriate rate for their use.

Monthly charges will be assessed once a Certificate of Occupancy is issued or sixty (60) days following the Town's issuance of a development review permit, whichever occurs first.

RESIDENTIAL RATES:

The residential bills are the sum of the following two components:

$$\text{Monthly Bill} = BR + Tax$$

Where BR = Monthly Base Rate ($25 for residential)

Tax = Applicable taxes and payment in lieu of franchise tax assessed by a governmental authority and not included in cost of service.

COMMERCIAL AND INDUSTRIAL RATES:

The commercial and industrial bills are the sum of the following four components:

Monthly Bill = Monthly Base Rate + Volume Charge + Waste Concentrations Charge + Tax

$$\begin{aligned}\text{Monthly Bill} = \quad & BR + \\ & ERU * J + \\ & ERU * A * (BOD - 300) * 8.34 \div 1{,}000{,}000 + \\ & ERU * B * (TSS - 200) * 8.34 \div 1{,}000{,}000 + \\ & ERU * C * (TKN - 45) * 8.34 \div 1{,}000{,}000 + Tax\end{aligned}$$

Where BR = Monthly Base Rate, $30 for commercial and $35 for industrial

J = Volume Charge, $15.00 per ERU per month

ERU = Equivalent Residential Units, as determined in Exhibit A

A = BOD Surcharge per pound per month, $250 per lb BOD per ERU

B= TSS Surcharge per pound per month, $120 per lb BOD per ERU

C = Nitrogen Surcharge per pound per month, $650 per lb BOD per ERU

BOD = BOD concentration in the wastewater in milligrams per liter

TSS = TSS concentration in the wastewater in milligrams per liter

TKN = Total Kjeldahl Nitrogen concentration in the wastewater in milligrams per liter

Tax = Applicable taxes and payment in lieu of franchise tax assessed by a governmental authority and not included in cost of service.

Due to their variable characteristics as well as grease contents (even after grease traps), all food establishments will be charged a minimum of $150.00 or the rate calculated using the above formula, whichever is higher. All other establishments shall be charged the rate calculated using the above formula.

LATE FEES AND PENALTY:

A late fee of thirty dollars ($30.00) per month will be added on all unpaid monthly bills.

A penalty of 1.5% per month of the total amount owed may be imposed on all delinquent accounts.

A penalty of twenty-five dollars ($25.00) will be imposed on all returned checks.

Any Owner who has not connected to the sewer system within the required six (6) months after a service agreement is issued, will be billed monthly charges as if they were connected, beginning immediately after the six (6) month period has expired. Late fees and penalties will accrue if payment is not made.