

**RESOLUTION NO. 11-30**

**NOTICE OF INTENT TO ADOPT AN ORDINANCE**

WHEREAS, Grant County provides wastewater services to the unincorporated community of North Hurley; and

WHEREAS, the wastewater system for North Hurley is in need of improvements; and

WHEREAS, a preliminary engineering report recommends that the North Hurley tap into the City of Bayard Regional Wastewater Facility; and

WHEREAS, Grant County has been granted funds under the USDA Rural Development Water and Wastewater Colonias Program to make the necessary improvements to the wastewater system for North Hurley; and

WHEREAS, in order to comply with the funding requirements of the USDA Rural Development Water and Wastewater Colonias Program, Grant County must enter into an agreement with the City of Bayard to cover the regional wastewater fees and a portion of the annual operating and maintenance expenses; and

WHEREAS, in order for Grant County to join the City of Bayard's Regional Wastewater Program, Grant County must adopt an ordinance that regulates the use of sewer system, as required by the City of Bayard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF GRANT COUNTY, NEW MEXICO:**

1. An ordinance (the "Ordinance"), entitled AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTIONS OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: MAKING THIS ORDINANCE CUMULATIVE WITH PRIOR ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH: PROVIDING FOR SEVERABILITY: PROVIDING PENALTIES FOR VIOLATION THERETO, to be introduced before the Commission shall be filed with the County Clerk, and shall be considered by the Commission at a regular meeting of the Commission on Thursday, September 22, 2011, at 5:30 p.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

2. A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

3. The following notice shall be published one time in the Silver City Daily Press, a newspaper of general circulation in the County, as soon as is practicable following the adoption of this resolution:

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF GRANT )

The Board of County Commissioners (the "Board") of Grant County (the "County"), in the State of New Mexico, met in a regular meeting in full conformity with the law and the ordinances and rules of the County, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board, at 5:30 p.m., on Thursday, August 25, 2011, at which time there were present and answering the roll call the following members:

Commissioners: Brett Kasten  
Christy Miller  
Gabriel Ramos

Absent: None

Thereupon the following proceedings, among others, were had and taken, to wit:

There was officially filed with the County Clerk, the Chairman and each Commissioner, a copy of a resolution in final form, which is as follows:

(Form of Notice)

**NOTICE OF CONSIDERATION OF ORDINANCE NO. 11-04**  
**GRANT COUNTY, NEW MEXICO**

NOTICE IS GIVEN that the Board of County Commissioners (the "Board"), constituting the governing body of the Grant County, New Mexico (the "County"), will consider the adoption of an ordinance (the "Ordinance") entitled: A RESOLUTION OF INTENT TO ADOPT AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTIONS OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: MAKING THIS ORDINANCE CUMULATIVE WITH PRIOR ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH: PROVIDING FOR SEVERABILITY: PROVIDING PENALTIES FOR VIOLATION THERETO. The purpose of this ordinance is to adopt regulations for the use of City of Bayard's Regional Wastewater Facility, as required by the City of Bayard, so that Grant County may join the Regional Wastewater Treatment and Sewage Disposal Plan, on behalf of North Hurley.

The Ordinance will be considered at a regular meeting of the Commission on Thursday, September 22, 2011, at 5:30 p.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

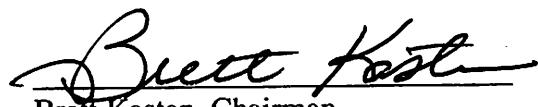
A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

DATED: August 25, 2011.

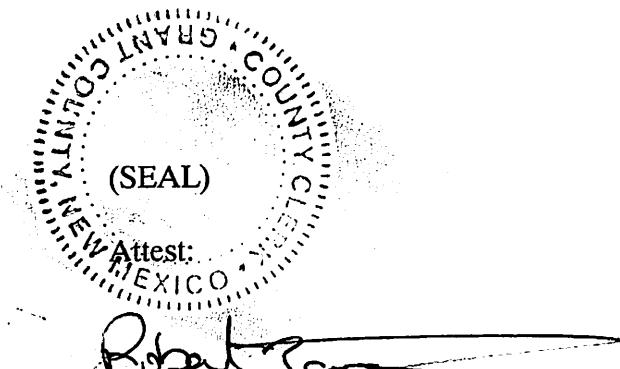
/s/ Brett Kasten  
Chairman, Board of County  
Commissioners  
Grant County, New Mexico

(End of Form of Notice)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 25<sup>th</sup> DAY OF AUGUST 2011.



Brett Kasten, Chairman  
Board of County Commissioners



(SEAL)

Attest:



Robert Zamarripa, County Clerk

Commissioner Miller then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner Ramos seconded the motion.

The question being upon the passage and adoption of said resolution, the motion was voted upon with the following result:

Those Voting Yea: Miller  
Ramos  
Kasten

Those Voting Nay: 0

Those Absent: 0

The Chairman thereupon declared that at least a majority of all the members of that Commission having voted in favor thereof, the motion was carried and the resolution duly passed and adopted.

After consideration of matters not relating to this Resolution, the meeting on motion duly made, seconded and unanimously carried, was adjourned.



Attest:

A handwritten signature of Robert Zamarripa is written over a horizontal line. The signature is fluid and cursive.

Robert Zamarripa, County Clerk

A handwritten signature of Brett Kasten is written over a horizontal line. The signature is bold and cursive.

Brett Kasten, Chairman  
Board of County Commissioners

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF GRANT )

I, Robert Zamarripa, County Clerk of Grant County, New Mexico (the "County"), do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the "Board") of the County, taken at a duly called, open meeting of the Commission held in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Commission on Thursday, August 25, 2011 at 5:30 p.m., insofar as the same relate to consideration of the adoption of a Resolution of Intent to Adopt an ordinance entitled, AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTIONS OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: MAKING THIS ORDINANCE CUMULATIVE WITH PRIOR ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH: PROVIDING FOR SEVERABILITY: PROVIDING PENALTIES FOR VIOLATION THERETO, a copy of which is set forth in the official records of the proceedings of the County kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Notice of such meeting was given in compliance with the permitted methods of giving notice of meetings of the Commission as required by the open meetings standards then in effect, i.e., the Commission's Open Meetings Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Grant  
County, New Mexico, this 25th day of August 2011.

Attest:

  
Robert Zamarripa, County Clerk



مَنْ يَرْجُوا لِحَافَةَ الْمَوْتِ

# DRAFT

ORDINANCE NO. 0-11-04

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTIONS OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: MAKING THIS ORDINANCE CUMULATIVE WITH PRIOR ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH: PROVIDING FOR SEVERABILITY: PROVIDING PENALTIES FOR VIOLATION THERETO.

WHEREAS, these regulations are conducive to the promotion, the health and general welfare of Grant County the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF GRANT, CITY OF BAYARD, NEW NEW MEXICO, THAT:

## Article I

### Title

Section —1. —This ordinance shall be known as the Sewer Use Ordinance of the County of GrantCity of Bayard, New Mexico.

## Article II

### Definitions

Unless the context specifically indicated otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C expressed in milligrams per liter.

Section 2. “Building Drain” shall mean that 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 (5) feet outside of the inner face of the building wall.

Section 3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place, of disposal.

Section 4. “COD” (denoting Chemical Oxygen Demand) shall mean 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.

Section 5. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.

- | Section -6. "Garbage" -shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- | Section -7. "Industrial Liquid Wastes" shall mean all waterborne 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 manufacturing processes shall include, but not be limited to: ordinance and accessories; feed and allied products; tobacco; manufactures textile mill products; apparel and other finished products made from fabrics and similar materials; lumber and wood products, except furniture; furniture and fixtures; printing, publishing, and allied industries; chemical and allied products; petroleum refinishing and related industries; rubber and miscellaneous plastic products; leather and leather products; stone, clay, slag and concrete products; primary metal industries; fabricated metal products; except ordinance, machinery and transportation equipment; professional, scientific controlling instruments; photographic and optical goods, watches and clocks; miscellaneous manufacturing industries.
- | Section -8. "Natural Outlet" -shall mean any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.
- | Section -9. "Normal Domestic Wastewater" -shall mean waterborne wastes normally discharging from the sanitary convenience of buildings -(including apartment houses and hotels), office buildings, factories, and institutions, free from storm surface water and industrial wastes. Normal domestic wastewater shall mean "normal" -for the City of Bayard, New Mexico and the North Hurley portion of Grant County, New Mexico ("North Hurley").
- | Section -10. "Person" -shall mean any individual, firm-, company, association, society, corporation, or group.
- Section 11. "pH" shall mean the logarithm to the base ten of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Section 12. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- | Section 13. "Public Sewer" -shall mean a sewer in which all owners or abutting properties shall have equal rights, and is controlled by public authority.
- | Section -14. "Sanitary Sewer" -shall mean the public sewer portion of a wastewater facility which transports wastewater and to which storm, surface and ground water are not intentionally admitted.
- | Section 15. "Sewer" -shall mean a pipe or conduit for carrying sewage.
- | Section 16. "Shall" -is mandatory; -"May" is permissive.
- | Section -17. "Slug" -shall mean 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 (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- | Section -18. "Standard Methods" shall mean 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" -and the "American Water Works Association" and the "Water Pollution Control Federation."

- | Section -19. "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.
- | Section -20. "Superintendent" -shall mean the Director of Public Works of the City of Bayard or his authorized deputy, agent or representative.
- | Section -21. "Suspended Solids" -shall mean solids that either flow on the surface of, or are in suspension in water, sewer or other liquids, and which are removable by laboratory filtering.
- | Section -22. "City" -shall mean the City of Bayard, New Mexico.
- | Section 23. "Trap" -is 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 City of Bayard, New Mexico.
- | Section -24. "Unpolluted Process Water" shall mean any water or waste containing none of the following: Free of emulsified grease or oil; acid or alkali, phenols or other substances imparting taste and odor to receiving water; -toxic substances in suspension, colloidal state of solution; and noxious or odorous gases.
- | Section -25. "Wastewater" -shall mean the used water of a community. Such used water may be a combination of liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.
- | Section -26. "Wastewater Facilities" -shall mean the structures, equipment, and processes required to collect, transport and treat domestic industrial wastes and dispose of the effluent.
- | Section -27. "Wastewater Treatment facilities" -shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment plant or wastewater treatment plant.
- | Section -28. "Watercourse" -shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- | Section -29. "Health Officer" -shall mean any person or his authorized representative so appointed by the City of Bayard or any New Mexico Environmental Improvement Agency Representative Charged with approval or inspection of public or private wastewater facilities.
- | Section -30. "User" -shall mean a sewer use customer and shall be defined as a single family residence or a single commercial enterprise.
- | Section -31. "Multiple Users Connections" -Multiple user shall be used to designate multiple residential users i.e., apartment houses, trailer parks, etc., where a number of residential units are connected to the same mainline sewer connection or multiple commercial users where a number of commercial users are connected to the same sewer connection, i.e., a shopping center.

### Article III

#### Use of Public Sewer Required

- | Section -1. It shall be unlawful to discharge to any natural outlet within the City or the North Hurley, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment - has been provided in accordance with subsequent provisions of this ordinance.

- | Section -2. 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 the disposal of sewage.
- | Section -3. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City or in North Hurley and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City or North Hurley, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.
- | Section -4. Residential, commercial and industrial properties situated outside the City limits may be connected via building sewers to available sewers or future sewers upon applications and agreement to abide by Articles V and VI of this Sewer Use Ordinance.

#### Article IV

##### Private Sewage Disposal

- | Section -1. There a public sanitary sewer is not available under the provisions of Article II, Section 3, the building sewer shall be connected to a private sewage disposal system complying with the provisions this article.
- | Section -2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by the plans, specification, and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the City at the time the application is filed.
- | Section -3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any state of construction and, in any event, the application for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.
- | Section -4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Environmental Improvement Agency of the State of New Mexico. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- | Section -5. At such time as public sewer becomes available to a property served by a private sewage disposal system as provided in Article IV, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with clean bank-run gravel or dirt.
- | Section -6. The owners shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City or Grant County.
- | Section -7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the appropriate Health Officer.

#### Article V

##### Building Sewers and Connections

- | Section -1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- | Section -2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. -The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the City at the time the application is filed.
- | Section -3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the Owner. The owner shall indemnify the City or Grant County, respectively, from any loss or damage that \_\_\_\_\_ either entity may directly or indirectly be occasioned by the installation of the building sewer.
- | Section -4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- | Section -5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this Ordinance.
- | Section -6. The size, slope, alignment, 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 and regulations of the City, Grant County and the State of New Mexico.
- | Section -7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement 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.
- | Section -8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- | Section -9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, Grant County or the procedure set forth in appropriate specifications of the A. S. T. M. and the W. P. C. F. Manual of -Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- | Section -10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
- | Section -11. All excavations for building sewer installation shall be adequately guarded with barricades and lights designed to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City or Grant County, depending on the location of the property disturbed.

### Use of Public Sewers

- | Section -1. 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.
- | Section -2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent to a storm sewer or natural outlet.
- | Section -3. 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, naptha, 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 wastewater facility, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters to the wastewater treatment works including but not limited to cyanides in excess of two (2) milligrams per liter 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 five (5) or having other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facility.
  - e) 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, woods, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - f) any amount of the following heavy metals:

Antimony	Chromium (tri)	Rhenium
Arsenic	Cobalt	Selenium
Barium	Copper	Silver
Beryllium	Iron	Strontium
Bismuth	Lead	Tellurium
Boron	Manganese	Tin
Cadmium	Mercury	Uranvl Ion
Chromium (hex)	Molybdenum	Zinc
Nickel		

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

- | Section -4. No person shall discharge or cause to be discharged the following described substances, materials, water or wastes if it appears likely in the opinion of the Superintendent 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 Superintendent 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 and capacity of the wastes in the wastewater treatment works and other pertinent factors. The substance which must be considered include but are not limited to the following:

- a) any liquid or vapor having a temperature higher than one-hundred fifty degrees (150 F) (65 C).
- b) any water or waste containing fats, grease, wax or oils, whether emulsified or not in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperature between 32 and 150 F. (0 to 65 C).
- c) any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally manufactured and sold in the residential and noncommercial use will not be installed without specific review and approval by the Superintendent.
- d) any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution cannot be discharged to the wastewater facility unless completely neutralized and approved by the Superintendent for discharge.
- e) any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert and immediate chlorine demand shall not be discharged in to the wastewater facility if discharged of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.
- f) any waters containing phenols or other taste or odor producing substances cannot be discharged to the wastewater facility in concentrations exceeding limits established by the Superintendent. Dilution shall not be used to decrease the concentration.
- g) any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulations.
- h) any waters or wastes having pH in excess of 9.5.
- i) materials which exert or cause:
  - 1) unusual concentrations of inert suspended solids ( such as, but not limited to, Fullers earth, lime residues or of dissolved solids ( such as, but not limited to sodium chloride and sodium sulfate).
  - 2) excessive discoloration (such as, but not limited to, animal blood, dye wastes, and vegetable tanning solutions).
  - 3) unusual chemical oxygen demand, or bio-chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - 4) slugs or shocks constituting an unusual volume of flow or concentration of wastes which will disturb the normal functioning of the wastewater facility.
- j) waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment works 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.

| Section -5. 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 Section 4 of this ordinance, and which in the judgment of the Superintendent may have deleterious effect upon the wastewater facility or receiving waters, or which otherwise create a hazard to life or constitute a public hazard the Superintendent may:

- a) reject the wastes,
- b) require pretreatment to an acceptable condition for discharge to the public sewers, or
- c) require control over the quantities and rates of discharge.

If the superintendent 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 Superintendent and the State of New Mexico and subject to the requirements of all applicable codes, ordinances, and laws.

| Section -6. Testing of an industrial waste will be performed at least twice a year whenever found necessary by the Superintendent. The person discharging the waste shall be liable for payment of all costs arising from the testing of the industrial waste.

| Section -7. Grease, oil and sand traps shall be provided when, in the opinion of the Superintendent 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 sand traps shall not be required for private living quarters or dwelling units. All traps shall be a type and capacity approved by the Superintendent 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.

| Section -8. Where preliminary treatment or flow-equalizing facilities are provided for any industrial liquid wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

| Section -9. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial liquid wastes shall install a suitable control manhole together with such necessary meter and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, constructed in such a manner as to prevent infiltration of ground and surface waters, and should be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

| Section -10. All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with the latest edition of "Standard Methods" and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. The control manhole shall be located so that sampling of the industrial waste will be performed before discharge into the public sewer system. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater treatment works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premise is approximate or whether a grab sample or samples should be taken. Normally, but not always, COD, BOD, and Settleable Solids analysis are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

Penalties, Repealer and Severability

| Section -1. Every person convicted of a violation of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than 90 days or both; and 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 and unpaid at the time of such conviction and nothing herein shall prevent a criminal prosecution of any violation of the provisions of this ordinance. 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 City of Bayard, New Mexico ~~or Grant County~~, 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 ordinance shall be a lien in favor of the ~~City of Bayard~~<sup>Grant County</sup> upon 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 person shall be exempt from levy and sale of execution issued for the~~ collection of a judgment for any fee imposed by this ordinance.

| Section -2. Repealer. All ~~Grant County~~<sup>City</sup> ordinances or parts of ordinances in conflict or inconsistent herewith be, and the same hereby are repealed to the extent only of such conflict or inconsistency, and as to all other ordinances not in conflict herewith, this ordinance is hereby made cumulative. This Repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore Repealed.

| Section -3. If any part or parts or application of any parts of this ordinance is held invalid, such holding shall not affect the validity of the remaining parts of this ordinance. The ~~County of Grant~~<sup>City of Bayard</sup>, New ~~Mexico~~ 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~~ ~~County of Grant~~<sup>City of Bayard</sup>, New Mexico, that the unaffected remainder of the ordinance continue in force.

**PASSED, APPROVED, AND ADOPTED, this 22nd day of September 2011.**

**BOARD OF COUNTY COMMISSIONERS  
GRANT COUNTY, NEW MEXICO**

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Brett Kasten, Chairman

[seal]

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Christy Miller, Member

ATTEST:

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Gabriel Ramos, Member

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Robert Zamarripa, Grant County Clerk