

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.

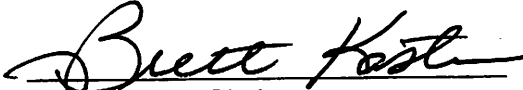
A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, New Mexico.

DATED: August 25, 2011.

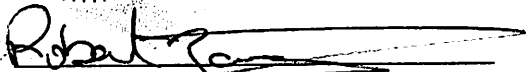
/s/ Brett Kasten
Chairman, Board of County
Commissioners
Grant County, New Mexico

(End of Form of Notice)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 25th DAY OF AUGUST 2011.


Brett Kasten, Chairman
Board of County Commissioners




Robert Zamarrpa, 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:

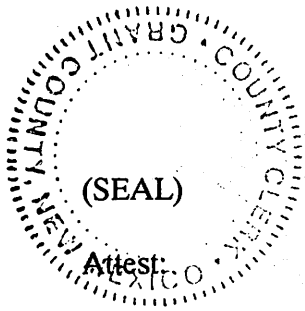
Those Voting Yea: Miller
Ramos
Kasten

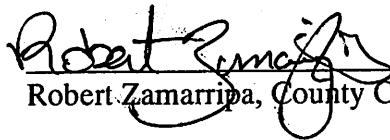
Those Voting Nay: 0

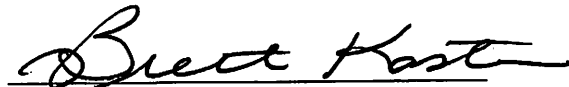
Those Absent: 0

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.




Robert Zamarripa, County Clerk


Brett Kasten, Chairman
Board of County Commissioners

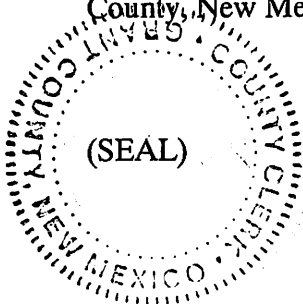
STATE OF NEW MEXICO)
) ss.
COUNTY OF GRANT)

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

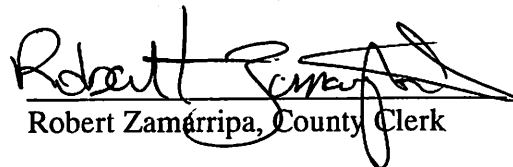
1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the "Board") of the County, taken at a duly called, open meeting of the Commission held in the Conference Room of the Grant County Administration Building, 1400 Highway 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

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200

201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200
2201
2202
2203
2204
2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217
2218
2219
2220
2221
2222
2223
2224
2225
2226
2227
2228
2229
2230
2231
2232
2233
2234
2235
2236
2237
223

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-MEXICO MEXICO, THAT:

Article I

Title

Section —1. —This ordinance shall be known as the Sewer Use Ordinance of the ~~County of Grant~~City 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; -"~~Shall~~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, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- b) any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any 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	Uranium 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 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 user 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 Grant County 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~~City~~ 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~~City of Bayard~~, 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~~City of Bayard~~, 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**

Brett Kasten, Chairman

[seal]

Christy Miller, Member

ATTEST:

Gabriel Ramos, Member

Robert Zamarripa, Grant County Clerk