

**Chapter 25  
UTILITIES**

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## Chapter 25 UTILITIES

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### ARTICLE I. IN GENERAL

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#### **Sec. 25-1. Components of Utility System.**

The municipal water system, electric system and sewer system shall jointly constitute and be designated the Aztec Municipal Utilities.

(Code 2007, 25-1)

#### **Sec. 25-2. Utilities Administrator.**

The administration and operation of the Aztec Municipal Utilities System shall be under the direction of the city manager, who shall be employed by and responsible to the city commission. The city manager is empowered to carry out the provisions of this chapter. The city manager or his designee shall establish such utility policies and regulations necessary to effectively provide for customer services. Such policies and regulations will be approved by the city commission.

(Code 2007, 25-2)

#### **Sec. 25-3. Deposit.**

A deposit shall be required to be paid in full for each utility service meter measuring consumption, prior to the furnishing of the utility service to the customer. This deposit is the guarantee for the payment of the customer utility bill. The amount of such deposits and other regulations governing applications and refunds of customer deposits will be set by administrative policies and regulations and approved by the city commission.

(Code 2007, 25-3)

#### **Sec. 25-4. Metering Services; Water for Fire Protection Purposes.**

1. The city will meter all utilities consumed within the city, where practical, except for fire protection. The city shall have the right to exchange utility measuring meters.
2. All utility consumption at the fire stations will be metered. All water used for fire protection and/or practice will be estimated by the fire chief and a statement for this amount will be given to the city manager on a monthly basis.

(Code 2007, 25-4)

#### **Sec. 25-5. Billing Frequency.**

The city will approximately every thirty (30) days render an itemized bill or statement for utility services used during the prior approximate thirty-day period.

(Code 2007, 25-5)

#### **Sec. 25-6. Payment, Penalties for Delinquency.**

Due dates for payments, penalties for delinquencies and disconnection of services will be established by administrative policies and regulations as approved by the city commission.

(Code 2007, 25-6)

**Sec. 25-7. Reconnection, Fee.**

Charges for reconnection of services following disconnection of services for any reason will be set by administrative policies and regulations as approved by the city commission.

(Code 2007, 25-7)

**Sec. 25-8. Tampering, Defrauding and Injuring.**

No person shall, without first having secured permission from the city of its duly authorized agent, start or stop any pump, open or close any fire hydrant, valve or stop cock; open, break or remove any seal or lock; or in any way tamper with or molest any pipe, meter, connection, appurtenance or property belonging to or any part of the utility system. If any meter, stop cock or other service connection appurtenance shows conclusive evidence of having been tampered with, molested or willfully injured so as to require repair or replacement, the cost of such repair or replacement shall, without respect to any other penalties or provisions, be assessed to the person to whom the utility service is charged or to the person found guilty of tampering, defrauding or injuring. If payment of such cost be refused, the utility services shall be disconnected or withheld, and a fee as established by ordinance, in addition to the repair or replacement cost, shall be collected before the service is again connected.

(Ord. 2009-371, 2009-June-17)

**Secs. 25-9 to 25-20. Reserved.**

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**ARTICLE II. EXTENSIONS**

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**Sec. 25-21. Definitions.**

The following definitions shall apply for purposes of the ordinance unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meaning.

**City**

City of Aztec.

**Easement**

Permission granted by the property owner to allow the use of a strip of land upon which the City may install water, waste water or electric lines, etc. For the City of Aztec, an easement is not ownership and will not be capitalized.

**Electric service**

The ability to provide electric power to any person, including but not limited to domestic, commercial and industrial uses.

**Electric system**

The electric system owned and operated by the City of Aztec.

**Entity**

An individual, group of individuals, partnership, developer, customer, consumer, corporation, Limited Liability Company, association, Municipal Corporation, state agency, or other person undertaking development activity, and their successors and assigns.

**Facilities**

All material, labor and equipment necessary to provide service.

**Owner**

Any person owning water using property.

**Person**

Includes any individuals, partnerships, associations, organizations or corporations.

**Point of delivery**

The point at which the City of Aztec's facilities connect to the customers. Prior to the point of delivery is the City's to own and maintain. After the point of delivery is the customer's to own and maintain. Point of delivery in most instances is at the point of metering. Point of metering is generally established at the customer's property line.

**Rights-of-Way**

A right belonging to a party to pass over land of another. Rights of way is also used to describe that strip of land which the city constructs roads, alleyways, installs water lines, install waste water lines, installs electric lines, etc. and is also often a public easement. Or the City of Aztec, rights of way is ownership and will be capitalized.

Waste water service

The availability to collect waste water from any person, water-using property or water-using unit, including but not limited to domestic, commercial and industrial uses.

Waste water system

The waste water system owned and operated by the City of Aztec.

Utility

May include electric, water, waste water, communications, and solid waste.

Water service

The availability of treated water from the City's municipal water system to any person, water-using property or water-using unit for any purpose, including but not limited to domestic, commercial and industrial uses.

Water system

The water system owned and operated by the City of Aztec.

Water-using property

Any real estate within or without the Town on which a water-using unit is located or intended or desired to be located, which shall use or intend to use water from the municipal water system of the City.

Water-using unit

Any space, any structure or building, movable, fixed or otherwise, or any part or parcel of the same for which a separate water rate is applicable, as hereinafter set forth in this Chapter, or, in the alternative, any space, any structure or building, movable, fixed or otherwise or any part or parcel thereof having or being equipped with a device, fixture or method for using water.

(Code 2007, 25-21)

**Sec. 25-22 to 25-25. Reserved.****Sec. 25-26. Declaration of Policy.**

The City of Aztec has the right to provide electric, water and wastewater services in areas, inside and outside the current corporate boundaries of the City, as permitted by law. An entity owning or leasing property within the service area of the City of Aztec may make application to the City of Aztec Planning Department for the extension of utility services. All costs associated with any extension shall be at the entity's expense. Whenever it is in the best interests of the City, as determined by the City Commission, the City Commission may authorize the use of City funds for the extension of utilities into areas within the service area of the City which are lacking such facilities.

(Code 2007, 25-26)

**Sec. 25-27 to 25-29. Reserved.**

**Sec. 25-30. Determination of a Utility Extension.**

A utility extension is required anytime the existing facility will not meet the requested demand whether it is for water, waste water, electric, communications or solid waste.

(Code 2007, 25-30)

**Sec. 25-31. Reserved.****Sec. 25-32. Annexation.**

If any water, waste water, or electric lines are extended outside the corporate boundaries of the City, all persons receiving service from such extensions must agree, in writing, to annexation at any time the City Commissioners deem such annexation to be in the best interest of the City. No taps to any such extensions will be allowed until such agreements are on file with the City Clerk.

(Code 2007, 25-32)

**Sec. 25-33. Reserved.****Sec. 25-34. Extension of Water and Waste Water Facilities.**

An entity requesting water or waste water service to any area where the City of Aztec distribution, transmission or collection facilities do not exist or do not meet the requested demand, must pay the full costs of extending utility lines to serve his or her particular area, including costs related to water and waste water connections as established in the Utility Fee Schedule.

(Code 2007, 25-34)

**Sec. 25-35. Reserved.****Sec. 25-36. Minimum Size of Waste Water and Water Line Extensions.**

The minimum size for a water line extension shall be a line eight (8) inches in diameter, and the minimum size for a waste water line extension shall be a line eight (8) inches in diameter. Unless determined unnecessary by the Public Works Director or their designee. A water or waste water line extension is required anytime the distance is greater than fifty (50) feet from an existing water or waste water main.

(Ord. 2007-341, 2007-Feb-22; Code 2007, 25-36)

**Sec. 25-37. Reserved.**

**Sec. 25-38. Utility Extension Construction Standards for Water and Waste Water.**

1. The entity must first submit to the City Planning department detailed engineering plans and specifications;
2. Must have the plans, specifications and all necessary permits approved by the City;
3. Must permit City to inspect for quality control during all stages of its construction to make sure that the construction meets specifications set forth by City construction standards for all utility extensions and in compliance with this ordinance and any other ordinances of the City; and
4. Any and all easements must be secured on lands being crossed for the City of Aztec. The entity shall be bonded for construction of said waste water and/or water utility extension and be responsible for such construction for one year after acceptance from the City.

(Code 2007, 25-38)

**Sec. 25-39. Reserved.****Sec. 25-40. Method of Extension.**

The supplying of water and waste water service to an area where no City water or waste water main is available or do not meet the requested demand, such as a new subdivision, re-subdivision or territory which the City is able to supply water and/or collect sewage, shall be accomplished by the following methods:

1. The entity requesting water or waste water service shall construct and install the necessary main line extensions. All construction and installation must meet the City's construction standards and shall be inspected by the City of Aztec. All costs shall be paid for by the entity requesting service.
2. All water and waste water service lines shall be constructed and installed by a licensed plumber or contractor and shall meet the City's construction standards and shall be inspected by the City of Aztec. All costs shall be paid for by the entity requesting service.
3. Whenever it is in the best interests of the City, as determined by the City Commission, the City Commission may authorize the use of City funds for the extension of utilities into areas within the service area of the City where no City water or waste water main exists.

(Code 2007, 25-40)

**Sec. 25-41. Reserved.****Sec. 25-42. Water and Wastewater Lines and All Appurtenances to Become City Property.**

1. Entities who have completed construction of water and waste water lines and appurtenances shall, before these water and waste water lines and appurtenances are accepted by the City for service, dedicate the water and waste water lines and

appurtenances, except for service lines and including all necessary easements, to the City free and clear of all encumbrances, properly describe by certified survey;

2. The entity will be responsible for all maintenance for one (1) year from the date of acceptance of the lines by the City.
3. Entities must also furnish the City upon completion of construction, before facilities are accepted by the City for service, two (2) sets of as-built plans:
  - (1) One (1) set of as-built drawings shall be submitted in an electronic format approved by the City.
  - (2) Blueprints may be furnished for the second set.

These plans must be kept on file by the City's GIS department.

4. In the event a special district is formed by the entity for the purpose of financing water and waste water lines and appurtenances, the entity shall agree that such transfer by deed shall take place when the subject line and appurtenances are free of all liens and encumbrances incurred by aid special district.
5. During any period of time prior to the dedication of the water distribution or transmission lines, waste water collection lines and other appurtenances to the City by the entity, it shall be agreed that the City shall have the control of these lines as though they were dedicated to the City, except that the entity will be responsible for maintenance of the lines until they are dedicated to the City. This means that the City will have exclusive authority to determine what additional uses will be made of this line, including such items as who will be allowed to tap on, the conditions under which the taps will be made, the rates to be charged, the conditions of services, etc. In any case of overloading or other operational characteristics which may limit the ability of the main extension of distribution or collection facility to supply the demands upon it, the original entity who constructed the line shall have first priority on the use of the service.

(Code 2007, 25-42)

#### **Sec. 25-43. Reserved.**

#### **Sec. 25-44. Review of Design and Inspection of Construction.**

In addition to any and all other fees and costs, the person requesting water and/or waste water service shall pay to the City at the Utility Office, the review and inspection fees established in the City of Aztec's Utility Fee Schedule, to defray the cost of design review and construction inspection by the City.

(Code 2007, 25-44)

#### **Sec. 25-45 to 25-47. Reserved.**

**Sec. 25-48. Wastewater Service Requirement.**

1. At such time as a public wastewater becomes available to a property served by a private sewage disposal system, that does not meet the regulations of the New Mexico Environmental Department, a direct connection shall be made to the public waste water 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. The owner of the private sewage disposal system shall notify the New Mexico Environment Department for inspection before any portion is covered. Connection to public waste water shall be made within one (1) year of public waste water becoming available.
2. Under special circumstances, the requirement to connect to the City waste water system may be waived or postponed upon recommendation from the City.
3. Written notice indicating the recommendations of the City and compliance therewith by the entity shall be issued prior to physical connection to the City water system by the entity.  
(Code 2007, 25-48)

**Secs. 25-49 to 25-53. Reserved.****Sec. 25-54. Extension of Electric Facilities.**

An entity requesting electric service to any area where the City of Aztec electric facilities or capacity does not exist must pay the full costs of extending utility lines to serve his or her particular area, including costs related to electric connections such as utility expansion charges, impact fees, design review and inspection fees that are established in the City of Aztec's Utility Fee Schedule. The entity must also pay the costs for any excess capacity the City may require to be built into the line as well as appurtenant facilities.

(Code 2007, 25-54)

**Sec. 25-55. Reserved.****Sec. 25-56. Method of Extension.**

1. The supplying of electric service to an area or entity where there is no City electric line or available capacity, such as a new subdivision, re-subdivision or territory which the City is able to provide electricity, shall be accomplished by the following methods:
  - (1) The City shall install, own and maintain all electric meters, lines, facilities, and service connections up to the customer's point of delivery. All costs the City incurs in extending service to the customer's point of delivery shall be paid to the City by the customer. The City's estimated costs of extending service shall be paid by the customer in advance prior to ordering or installing any material.
  - (2) Sub-dividers shall, at their cost, establish the permanent "rough grade" (+/- 2 inches from final grade) prior to installation of underground facilities.

- (3) The City shall convert overhead facilities to underground facilities where practical at the customer's expense upon application for power.
  - (4) All customers with motors 20 HP or greater shall install compensating starters and obtain approval prior to installation and operation, unless other adequate protection is demonstrated to the City's satisfaction.
  - (5) All customers requesting three phase power with a load requirement greater than 45 KW or requesting single phase power with a load requirement greater than 50 K W shall be fed by means of a pad mount transformer.
  - (6) Whenever it is in the best interests of the City, as determined by the City Commission, the City Commission may authorize the use of City funds for the extension of utilities into areas within the service area of the City where no City electric lines exists.
2. An electric utility extension is required any time existing electrical infrastructure or an upgrade to existing infrastructure is added to the electrical system to support a new entity or existing customer. This includes but is not limited to; any new or upgraded service, any service requiring a transformer or transformer upgrade, any new service over 100 feet from existing primary power, any service requiring a new pole, any new service over 200 amps, any new three phase service.
  3. The entity requesting the utility extension must pay the entire estimated cost of the extension and connection fees to the City before installation of the utility. If the actual cost is greater than the estimated cost paid, the entity will be billed for the balance. If the actual cost is less than the estimated cost, the City shall refund the balance.
  4. Request for a utility extension shall be made not less than sixty (60) days prior to requirement and estimates will be valid for a period of ninety (90) days from delivery. Construction of a line extension once paid for will be placed on the Electric Departments construction schedule after the materials needed for the extension have been received from the City's suppliers.
  5. The entity agrees to pay the City for all labor and materials including but not limited to; poles, conductor, conduits, transformers and other associated material, to be provided by the City, necessary for the completion of the installation of this electric utility extension. The entity shall be responsible for all trenching, backfilling and compaction of lines installed underground unless other arrangements have been made with the consent of the Electric Director.
  6. The entity agrees to provide access to this electric utility extension by means of a 20' roadway or alley way easement upon his development or property for installation and maintenance purposes unless otherwise negotiated and with the express written consent of the Electric Director. All facility or service extensions are contingent upon the City of Aztec securing Right of Way or easement upon land owned by others for which said extension crosses. The requesting entity is responsible to secure any and all right of way or easements needed from other private property owners for the City of Aztec on lands being crossed by any utility extension.

7. All new services, service upgrades or facility extensions shall be placed underground unless determined by the City Electrical Director, City Electric Superintendent or City Commission the underground extension would not be in the best interest of the City of Aztec.
8. Any new subdivision, Commercial development, large commercial service over 200 amps or industrial customer shall be fed with a pad mount transformer.
9. All new or upgraded services shall have an outside main disconnect or means of disconnect placed on the exterior of the premise.  
(Code 2007, 25-56)

**Sec. 25-57. Reserved.**

**Sec. 25-58. Point of Delivery.**

1. Residential. Point of delivery for an overhead service shall be established at the weather head of the service mast at the residence. Point of delivery for underground services shall be established at the metering equipment and main disconnect. Metering and main disconnect placement shall be at the sole discretion of the Electric Director or Electric Superintendent prior to construction. The City Standard for point of delivery/metering point shall be at the property line of each residential lot.
2. Commercial. Point of delivery for small commercial 200 amps or less; shall be established at the weather head on the service mast for an overhead service, or the metering equipment and main disconnect on an underground service. Point of delivery for large commercial over 200 amps shall be established at the secondary terminals of the pad mount transformer or underground secondary connection box. Metering and meter placement shall be established at the sole discretion of the Electric Director or Electric Superintendent prior to construction.
3. Industrial. Point of delivery shall be established at the secondary terminals of the pad mount transformer and point of metering. Metering and meter placement shall be established at the sole discretion of the Electric Director or Electric Superintendent prior to construction.  
(Code 2007, 25-58)

**Sec. 25-59. Services and Service Upgrades.**

1. Residential. The City shall provide the conductor and or conduit from the pole or pad mount transformer to each residential meter upgrading an existing service rated less than 100 amps, provided the customer installs the service underground in conduit and provides the trenching necessary for the installation.
  - (1) The City shall provide the conductor and conduit from the pole or pad mount transformer to each residential meter upgrading a 100 amp or larger service, provided the customer installs the service underground in conduit and provides the trenching necessary for the installation. All additional fees or construction cost shall be paid to the City prior to construction.
  - (2) All overhead services shall attach to the primus by means of a two (2) inch or larger GRC conduit extending through the eve of the primus meeting the National Electric Safety Code (NESC) and National Electric Code (NEC) requirements. All overhead

services shall be approved by the Electric Director or Electric Superintendent prior to construction. All additional fees or construction cost shall be paid to the City prior to installation.

- (3) The City shall provide an allowance equal to one 10 kva single phase overhead transformer for services requiring a transformer upgrade. All service up grades must be approved by the City of Aztec Electric Director or Electric Superintendent and additional fees or construction cost paid to the City prior to installation.
2. Commercial. The City shall provide an allowance equal to one 75 kva three phase pad mount transformer for existing three phase service or one 50 kva single phase pad mount transformer or existing single phase service, for each Commercial or Industrial entity upgrading an existing service and placing the service underground, provided the entity can show the increase in KWH usage will offset the initial cost of the upgraded transformer and installation over a period of five years from installation. All additional fees or construction cost shall be paid to the City prior to installation.

(Code 2007, 25-59)

#### **Sec. 25-60. Standard Voltages Supplied by the City.**

1. Residential. Service shall be 120/240 single phase.
2. Commercial or Industrial. Voltage shall be either 120/240 single phase, 208/120 grounded wye or 480/277 grounded wye three phase. Any other voltage supplied must have approval in writing from the City Electric Director.
3. After completion of the utility extension, all material up to the point of delivery becomes the sole property of the City of Aztec Electric Utility System.

(Code 2007, 25-60)

#### **Sec. 25-61. Reserved.**

#### **Sec. 25-62. Electric Line and Appurtenances are City Property.**

During any period of time it shall be agreed that the City shall have the control of all electric lines up to the point of delivery. This means that the City will have exclusive authority to determine what additional uses will be made of any line, including such items as who will be allowed to connect to, the conditions under which the connections will be made, the rates to be charged, the conditions of services, etc. In any case of overloading or other operational characteristics which may limit the ability of the electric distribution facility to supply the demands upon it, the original entity who constructed the line shall have first priority on the use of the service.

(Code 2007, 25-62)

#### **Sec. 25-63. Review of Design.**

In addition to any and all other fees and costs, the entity requesting electric service may be required to pay the City at the Utility Office, a review fee established in the City of Aztec's Utility

Fee Schedule, to defray the cost of design review by the City.  
(Code 2007, 25-63)

**Secs. 25-64 to 25-70. Reserved.**

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**ARTICLE III. MUNICIPAL ELECTRIC SYSTEM**

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**Sec. 25-71. Designation.**

The entire electric generating plant and distribution system, including the necessary lands, rights-of-way and easements, now owned by the city, both within and without the corporate limits, together with all additions, extensions, replacements, betterments or improvements thereto, hereafter constructed or acquired, shall be designated by name as the Aztec Municipal Electric System.

(Code 2007, 25-71)

**Sec. 25-72. Administration and Operation.**

The provisions, both regulatory and penal, of Article IV of this chapter shall be applicable to the administration and operation of the municipal electric system by substitution of electrical terms, nomenclature and phraseology of such sections as may be necessary to properly relate and apply the provisions to the electric system.

(Code 2007, 25-72)

**Sec. 25-73. Meter and Service Guide.**

There is hereby adopted by the City the *Meter and Service Guide* for the electrical utility system, as amended and on file.

(Ord. 2023-532, eff. 2023-July-17; Code 2007, 25-73)

**Sec. 25-74. Rates; Charges.**

The rates, charges, fees, and service classifications for the municipal electric system are established in [Chapter 16 - Fee Schedule](#).

**Sec. 25-75. Other Conditions and Stipulations.**

1. Service under this schedule is subject to the utility administrative policies and regulations of the Aztec Utility System.
2. Dual-purpose users shall be charged at the highest applicable rate.
3. All service shall be collected at a single service location designated by the City.
4. Temporary service may be set up by a customer for water and electric utility services without a sewer charge being assessed. A temporary service may be for purposes such as new construction. A temporary service for construction shall not exceed a six-month period of time without approval of the finance director.
5. Fees for new residential service when within one span [two hundred (200) ft.] of existing power, excluding developer paid line extensions, are established in [Chapter 16 - Fee Schedule](#).

6. Fees for new commercial service when within one span [two hundred (200) ft.] of existing power, excluding developer paid line extensions, are established in [Chapter 16 - Fee Schedule](#).
7. Fees for residential or commercial temporary service connects are established in [Chapter 16 - Fee Schedule](#).
8. Each fiscal year, an amount recommended by the City Manager, subject to review and adjustment by the City Commission, shall be established during the annual budget process and transferred to the Electric Repair and Replacement Reserve.
9. The general fund administrative fee for the fiscal year shall be a budgeted dollar amount, subject to review and adjustment by the Aztec City Commission during the annual budget process.
10. Emergency clause. In the event, at the sole discretion of the Aztec City Commission, it is deemed that economic conditions have changed to such an extent, and that it is in the best interest of the City of Aztec, the Aztec City Commission reserves the right to review and adjust all set rates at any time.  
(Ord. 2023-532, eff. 2023-July-17; Ord. 2010-385, eff. 2010-July-1; Ord. 2008-355, eff. 2008-July-15; Code 2007, 25-74;)

**Secs. 25-76 to 25-80. Reserved.**

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**ARTICLE IV. MUNICIPAL WATER SYSTEM**

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**Sec. 25-81. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Meter assembly**

Includes the water meter and its connections, curb cock, meter box, slab, cover and cap when installed in connection with any water service connection.

**Premises**

Each separate building, house, residence, store, shop, tenement or occupancy, so situated upon any parcel or parcels of ground that the same is or could be used, sold or occupied separately from, and is not then definitely an outbuilding or adjunct to any other building, house, residence, store, shop, tenement or occupancy, irrespective of the number of other such premises, as herein defined, or the ownership or control thereof, upon the same or other parcel or parcels of ground.

**Service connection**

Includes all the paraphernalia required or used to convey water from the water system to a customer's premises, including corporation cock, pipes, meter assembly, fittings and connections.

**Water charge**

A monthly fee charged any use of water from the water system for the amount of water delivered to the premises as determined by a meter measuring the amount or number of gallons of water delivered.

**Water service**

The delivery of water by the water system to a customer or premises, for the use and benefit of the same, and the performance of such acts and service as may be necessary in connection therewith, in accordance with mutual covenants, this Code and the applicable ordinances and regulations of the city.

**Water system**

The municipal water system, the physical property comprising the same or the personnel employed for the operation thereof, either or both, as the context may indicate.

(Code 2007, 25-81)

**Sec. 25-82. Designation.**

The waterworks plant and system, including the necessary lands, rights-of-way and easements, now owned by the city, both within and without the corporate limits of the city, together with all replacements, improvements, betterments, extensions and additions thereto, hereafter constructed or acquired, shall be designated by name as the Aztec Municipal Water System.

(Code 2007, 25-82)

**Sec. 25-83. Discrimination.**

Every provision of this article or regulation duly authorized by the city and relating to the water system shall be administered fairly and impartially, without preference or prejudice to any person. No water service shall be furnished to any person or premises, unless the duly authorized and applicable rates be charged for such service, and no unauthorized, special or discriminatory rates, service or facilities shall be used, applied or granted to any person or premises.

(Code 2007, 25-83)

**Sec. 25-84. Entry and Inspection.**

1. Any duly authorized employee of the water system may, at all reasonable times and upon exhibiting written evidence of proper authority, enter any premises served with water by the water system, or over, through, or upon which any pipe, connection, appurtenance or fixture, attached to or a part of the water system, traverses or is located, for the purpose of examining, repairing, replacing or removing any pipe, connection or appurtenance belonging to or a part of the water system; or for the purpose of examining or determining the quantities of water used on the premises and the purpose and manner of its use, or inspecting the condition of pipes, appurtenances and fixtures belonging to the premises, by which water is used from the water system. In case of fraudulent representation in respect to any water service, unauthorized use of water or unnecessary waste of water by any water service, such water service shall be discontinued and withheld until the conditions at fault have been remedied and any charges in connection therewith have been fully paid.
2. Any person who restrains, prevents or interferes with any such duly authorized employee of the water system from entering any premises or performing such other acts as are provided by and in accordance with the foregoing paragraph shall be guilty of a misdemeanor.

(Code 2007, 25-84)

**Sec. 25-85. Restriction and Termination.**

1. All water service to any premises outside the corporate limits of the city shall be furnished only upon the express condition that such service may be restricted as to use at any time or discontinued after thirty (30) days' written notice by the water system, when and if the water supply is considered inadequate to furnish such service in addition to service for the premises within the corporate limits of the city or when other cause is deemed sufficient by the city.
2. All water services within the corporate limits of the city, other than those for domestic and residence use, shall be furnished on the same condition of restriction and termination, in the order such services are deemed least essential, when and if the situation or cause continues to prevail after the application of the provisions of this section to the water services without the corporate limits of the city. Nothing in this section shall be construed to limit or contravene the provisions of any other section of this article.

(Code 2007, 25-85)

**Sec. 25-86. Limitations on Use of Water.**

The city manager shall have full power and authority to regulate and limit the use of water for sprinkling of lawns and grounds. He may divide the area served by the water system into zones and by written notice to the affected water users, prescribe the hours and days during which water may be used for sprinkling grounds in each such zone, and the number and size of valves, faucets, hydrants or hoses which may be used therefore during the prescribed time. In which event, it shall be unlawful for any water user to sprinkle grounds with water purchased under the provisions of this article at any time and in any manner other than the time and manner prescribed as aforesaid. The manager of the water system shall require sufficient deposits from water users to ensure payment of all water service charges not specifically included in the above provisions. He shall also require additional deposits for customers whose payment record indicates excessive risk and for those whose usage is such that the above service deposit fails to provide adequate coverage to guarantee final payment of charges.

(Ord. 2018-475, eff. 2018-Jun-20; Code 2007, 25-86)

**Sec. 25-87. Liability.**

No liability shall attach to the water system or the city for any injury or damages that may result from turning on or shutting off the water in any main, service connection or pipe, or the restriction of use or discontinuance of any water service or any failure of the water supply, irrespective of any notice or lack of notice thereof. The water system or the city shall not be held liable, in any respect, for the condition, defects, failure or use of any pipe, connection, fixture or appurtenance not belonging to the water system, on any premises, or for loss or damage resulting there from.

(Code 2007, 25-87)

**Sec. 25-88 to 89. Reserved.****Sec. 25-90. Application for Connection.**

Before any water service connection is installed, existing service connection moved, water service started or discontinued or different use made of a service other than that for which original application was made, for any person or premises, the person desiring such service shall, in addition to all other requirements, first make written application therefore setting forth in complete detail all required information on a form which the water system shall furnish and file as a record. The person making such application shall subscribe and agree, as a consideration attaching to the service applied for, to all the provisions of this article and other ordinances and regulations that may be applicable and properly prescribed by the city. Every person who has a water service or service connection to any premises, either within or without the corporate limits of the city, shall be deemed and taken to so subscribe and agree as a precedent to the continuance of such service. Such application for water service shall be made at the office of the municipal utilities between the hours of 8:00 a.m. and 5:00 p.m. of each day, excepting Saturday, Sunday and holidays. Requests for turn-ons, turn-offs or moves received after 4:00 p.m. on a regular working day will be serviced during the following business day. The violation or infraction of any of the provisions shall, without respect to any other impositions or penalties, constitute proper cause for refusing or withholding service until satisfactory rectification be made.

(Code 2007, 25-90)

**Sec. 25-91. Service Connection Provisions.**

1. Every service connection attached to or part of the water system, either within or without the corporate limits of the city, shall be the property of, maintained by and under the sole control of the city. The payment of any charge or fee collected by the city or water system shall not purchase or convey any right or interest in such service connection to any person whomsoever.
2. Every person having water service or to whose premises a service connection is installed shall be deemed the owner of and solely responsible for the condition and use of all pipes, fixtures and connections attached to or part of the water pipes and system from and on the premises or outlet side of the meter assembly and shall be liable for all water used or consumed thereby. Such person shall be required to promptly repair or replace any such pipes, fixtures or connections that are defective or appear likely to cause a waste of water, and water service may be withheld from the premises until such repair or replacement is made. Every person to whose premises a new service connection is installed shall, as a precedent to furnishing water service to such premises, install in his service line, as close to the meter assembly as practicable, a wheel handle shut off valve for the control of the water supply to the premises and shall, at all times, maintain the valve in good working order and easily accessible.
3. Any service connection installed for private fire protection shall be used solely for such service and no other. The agreement incorporated in the application for such service shall contain the foregoing provision.

(Code 2007, 25-91)

**Sec. 25-92. Separation of Service.**

A separate service connection shall be installed and meter assembly required for each single premises, and two (2) or more premises shall not be connected to or served through the same meter; however, when in the opinion of the city manager the best interest of the city and the customer will be served, two (2) or more premises, situated adjacent and held by the same person, may be combined and served by one (1) service connection or meter assembly under a multiple or "block" service agreement which shall provide that a service deposit be paid for each single premises so included, which may be combined as one amount and receipt, and that a minimum water service rate be charged and gallons of water be allowed equal to the aggregate of the several minimum rates and gallon allowances of all the single premises so combined. Any such aggregate or permission for a combination of premises to be served by a single water service may be revoked at any time and separate water services required for each single premises. For the purpose of this section, each hotel, motel, apartment house, office building or trailer park shall be considered and served as a single premises with additional charges for each individual unit or premises in accordance with the schedule of charges adopted by the commission pursuant to Section 25-83.

(Code 2007, 25-92)

**Sec. 25-93. Costs for Connection.**

1. The costs to applicants for service connections as provided in this article shall, in each case, be determined by price lists, open to the public, setting forth the unit prices for the respective materials and labor and conforming to the prevailing prices then locally current for such materials and labor.

2. The cost of repairing or replacing any pavements or other structure necessarily damaged in the progress or because of the installation of any service connection, either within or without the corporate limits of the city, shall be paid by the person making application for such service, in addition to any other charges that may be required for such services.
3. The total cost of the installation and all costs incident thereto for any private fire protection service shall be paid by the person making application for such service.  
(Code 2007, 25-93)

#### **Sec. 25-94. Installation of Meter Assembly.**

All water service connections shall include a gate valve and box at the main or other location designated by the water system, and approved check valve to prevent any reverse flow located as designated by the water system, which shall have an inertia factor or resistance to opening of not less than two (2) pounds differential water pressure and a detector meter installed in a shunt line which bypasses the check valve. The check valve and meter assembly shall be accessible and protected with an approved box or structure as a precedent to any such water service. The entire installation shall be approved by the water system and, if such service is to be thermally or otherwise controlled also as to be fully or partially automatic in operation, the installation shall be in accordance with the applicable specifications and regulations of the state and city and a certificate from the state indicating such compliance shall be deposited with the water system.

(Code 2007, 25-94)

#### **Sec. 25-95. Installation Charges.**

1. Within the service area of the municipal utilities, a service connection fee for three-fourths-inch, one-inch and one and one-half-inch meters shall be established by resolution of the city commission.
2. Fees established under this section must consider:
  - (1) The total cost of repairing or replacing pavement.
  - (2) Material and labor costs.
  - (3) All costs incident thereto for any prior fire protection service.
3. The city manager is hereby authorized to enter into a separate written agreement for the installation of two-inch, three-inch or four-inch meters. Such agreement must include the cost criterion established in Section 25-85-2 above.

(Code 2007, 25-95)

#### **Sec. 25-96. Meter Tests.**

1. Any customer may, upon written application, accompanied by a deposit of the required amount, have his meter tested for accuracy by the water system. If a customer requests the meter to be tested by a private testing laboratory, the customer will pay all costs. In either case, if the meter registers a divergence from accuracy greater than three (3) percent, the

deposit shall be refunded to the applicant, and the indicated adjustment made in the water service charges for a total period not longer than the then current period and the monthly period immediately preceding. If a meter so tested registers within three (3) percent of accuracy, the deposit shall be retained by the water system as a fee to pay the cost of such test.

2. All inaccurate and defective meters shall be replaced by the water system immediately when detected.

(Code 2007, 25-96)

### **Sec. 25-97. Charges Without Meter Registration.**

If, at any meter reading time, a meter is found to be not registering or registering incorrectly, the charge for that water service, for the period then ending, shall equal the charge for the same service for a like period as determined by averaging the charges assessed to the service for the preceding twelve (12) months, or less if the service is of shorter duration.

(Code 2007, 25-97)

### **Sec. 25-98. Satisfaction of Delinquent Balances.**

No water service shall be connected or reconnected for or in the name of any person against whom a delinquent balance due the water system remains unpaid, or in the name of any member of the household of such person, or in any other name or manner that is deemed to be collusion for the purpose of securing water service for such person or evasion of the payment of such delinquent balance or other proper charge.

(Code 2007, 25-98)

### **Sec. 25-99. Rates; Charges.**

The rates, charges, fees, and service classifications for the municipal water system are established in [Chapter 16 - Fee Schedule](#).

(Ord. 2023-532, eff. 2023-July-17)

### **Sec. 25-100. Other Conditions and Stipulations.**

1. Service under this Schedule is subject to the Utility Administrative Policies and Regulations of the Aztec Utility System.
2. Dual-purpose users shall be charged at the highest applicable rate.
3. All service shall be collected at a single service location designated by the City.
4. Temporary service may be set up by a customer for water and electric utility services without sewer charge being assessed. A temporary service may be for purposes such as new construction. A temporary service for construction shall not exceed a six (6) month period of time without approval of the Finance Director.
5. Each fiscal year, an amount recommended by the City Manager, subject to review and adjustment by the City Commission, shall be established during the annual budget process and transferred to the Water Repair and Replacement Reserve.

6. The administration fee paid to the general fund each fiscal year shall be a budgeted dollar amount, subject to adjustment annually.
7. EMERGENCY CLAUSE; In the event, at the sole discretion of the Aztec City Commission, it is deemed that economic conditions have changed to such an extent, and that it is in the best interest of the City of Aztec, the Aztec City Commission reserves the right to review and adjust all set rates at any time.  
(Ord. 2023-532, eff. 2023-July-17; Ord. 2010-385, eff. 2010-July-1; Code 2007)

### **Sec. 25-101. Water Rights Rates.**

1. Requirements for Municipal Water Services.  
Any person, firm, corporation, governmental entity or association referred to in this section as "user," who shall request municipal water services shall be required to pay a money amount which shall be assessed by water meter size. Rates are established in [Chapter 16 - Fee Schedule](#).
2. Conditions.
  - (1) No new municipal water service connection shall be made by the city for any user until payment required by the governing body of the city, according to the size of the water meter requested for the new service, has been received.
  - (2) The requirements stated in this section for fees of water rights shall be restricted to new municipal water service connections or an increase in size of existing meter installations, as opposed to reconnection or renewal of terminated services or existing water service connections.
  - (3) Payment of the water rights fee, where applicable, will be required for parcels of land when meter deposit is made.
  - (4) The city reserves the right to determine the size of the water meter based on applicable provisions of the Uniform Plumbing Code and the American Water Works Association meter standards.
  - (5) All owners of water rights within the city and its service area will be encouraged to continue to use all irrigation rights beneficially. In those cases where such rights are now being used or will not in the future be so used, owners are encouraged to transfer them to the city.  
(Code 2007, 25-100)

### **Secs. 25-101 to 25-110. Reserved.**

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**ARTICLE V. SEWERS AND SEWAGE DISPOSAL**

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**DIVISION 1. GENERALLY****Sec. 25-111. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**A.S.T.M.**

The American Society for Testing Materials.

**BOD (biochemical oxygen demand)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

**Building drain**

That part of the lowest horizontal piping of a drainage system which receives the discharge from the soil, wastes and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside 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.

**Director**

The city manager or his authorized deputy, agent, or representative.

**Garbage**

Includes but is not limited to solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

**Health officer**

Any person or his authorized representative so appointed by the city or any state environmental improvement division representative charged with approval or inspection of public or private waste-water facilities.

**Industrial liquid waste**

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 are not limited to: ordinance

and accessories; food and 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; chemicals and allied products; petroleum refining and related industries; rubber and miscellaneous plastics products; leather and leather products; stone, clay, glass and concrete products; primary metal industries; fabricated metal products, except ordinance, machinery and transportation equipment; machinery, except electrical; electrical machinery, equipment and supplies; transportation equipment; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks; miscellaneous manufacturing industries.

Natural outlet

Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Normal domestic wastewater

Waterborne wastes normally discharging from the sanitary convenience of residences and 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.

pH

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

Properly shredded garbage

The wastes from the preparation, cooking and dispensing of foods 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 particle greater than one-half inch in any dimension.

Public sewer

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

Sanitary sewer

The public sewer portion of a wastewater facility which transports wastewater and to which storm, surface, and ground water are not intentionally admitted.

Settleable solids

Those solids which settle during a pre-selected period of time expressed as milliliters per liter of sample.

Sewer

A pipe or conduit for carrying sewage.

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 (15) minutes more than five (5) times the average twenty-four-hour concentration of flows 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 Waste- water", as prepared, approved and published jointly by the "American Public Health Association" and the "American Water Works Association" and the "Water Pollution Control Federation".

Storm sewer

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

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.

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 city.

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.

Wastewater

The used water of a community. Such used water may be a combination of the liquid and waterborne wastes from residences, commercial buildings, industrial plants and institutions.

Wastewater facilities

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

Wastewater treatment facilities

An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment or wastewater treatment plant.

Watercourse

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

W.P.C.F.

The water pollution control federation.  
(Code 2007, 25-111)

**Sec. 25-112. Use of Public Sewers Required.**

1. Untreated Discharge Unlawful. It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

2. Unauthorized Sewage Disposal Unlawful. 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.
3. Toilet Facilities Required. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the city 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, 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 article, within ninety (90) days after date of official notice to do so, provided that the public sewer is within one hundred (100) feet of the property line.
4. Extra-territorial Hookups. Residential, commercial, and industrial properties situated outside the city limits may be connected via building sewers to available sewers or future sewers upon application and agreement to abide by divisions 3 and 4 of this article.  
(Code 2007, 25-112)

#### **Sec. 25-113. Rates, Charges.**

The rates, charges, fees, and service classifications for the municipal wastewater system shall be effective July 2010 are established in [Chapter 16 - Fee Schedule](#).  
(Ord. 2023-532, eff. 2023-July-17)

#### **Sec. 25-114. Sewage Disposal Connections Service Fees.**

1. Service under this Schedule is subject to the Utility Administrative Policies and Regulations of the Aztec Utility System.
2. Dual-purpose users shall be charged at the highest applicable rate.
3. All service shall be collected at a single service location designated by the City.
4. Temporary service may be set up by a customer for water and electric utility services without a waste water charge being assessed. A temporary service may be for purposes such as new construction. A temporary service for construction shall not exceed a six (6) month period of time without approval of the Finance Director.
5. Each fiscal year, an amount recommended by the City Manager, subject to review and adjustment by the City Commission, shall be established during the annual budget process and transferred to the Water Repair and Replacement Reserve.
6. The administration fee for the fiscal year shall be budgeted dollar amount, subject to adjustment annually.
7. EMERGENCY CLAUSE; In the event, at the sole discretion of the Aztec City Commission, it is deemed that economic conditions have changed to such an extent, and that it is in the best interest of the City of Aztec, the Aztec City Commission reserves the right to review and adjust all set rates at any time.  
(Ord. 2023-532, eff. 2023-July-17; Ord. 2010-385, eff. 02010-July-1; Code 2007)

**Sec. 25-115. Sewage Disposal Connections Service Fees.**

1. All connections shall be from the sewage disposal collection pipe line to a point within two (2) feet of the customer side of the sidewalk or a minimum of five (5) feet from the street or road edge or shoulder, not to exceed eight (8) feet. The connection shall include a sanitary cleanout at the customer connection point. The public works department shall maintain current design and material requirements for the installation and construction standard. Rates are established in [Chapter 16 - Fee Schedule](#).
2. All connection sizes shall not exceed existing or proposed collection pipe line size. Charges and fees shall include all city supplied material, equipment and labor.
3. Contractors shall be charged the above fee plus the actual labor cost for the inspection cost to provide city inspection of the installation.
4. No new municipal sewage disposal connection shall be made by the city or by a contractor for any user until payment required by the governing body of the city according to the size of connection requested for the new service has been received.
5. In addition to the above charges, the cost of repairing or replacing any pavement or other structure necessarily damaged in the process or because of the installation of the service connection shall be paid by the person making application for such service.
6. This section shall not apply to subdivisions that provide complete infrastructure installations in accordance to the city land subdivision regulations.
7. Noncompliance with this section shall be subject to Section 25-78, Tampering, defrauding, and injuring.  
(Code 2007, 25-114)

**Secs. 25-116 to 25-120. Reserved.**

## DIVISION 2. PRIVATE SEWAGE DISPOSAL

### **Sec. 25-121. Private Sewage Disposal Permitted.**

Where a public sanitary sewer is not available under the provisions of Section 25-112, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

(Code 2007, 25-121)

### **Sec. 25-122. Application, Permit, Inspection Fee.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit endorsed by the state environmental improvement division and signed by the director. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the director. A permit and inspection fee shall be paid to the city at the time the application is filed.

(Code 2007, 25-122)

### **Sec. 25-123. Inspection.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the director. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within seventy-two (72) hours of the receipt of notice by the director.

(Code 2007, 25-123)

### **Sec. 25-124. Design Requirements.**

1. The type, capacities, location and layout of a private sewage disposal system shall comply with all requirements and recommendations of the state environmental improvement division.
2. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Code 2007, 25-124)

### **Sec. 25-125. Public Sewer Availability.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 25-112, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with clean bank-run gravel or dirt. The owner of the private sewage disposal system shall notify the director before any portion is covered. Inspection shall be made within seventy-two (72) hours of the receipt of notice by the director.

(Code 2007, 25-125)

**Sec. 25-126. Sanitary Operation.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city. Disposal of cesspools and septic tank contents shall be by discharge into the city's public sewers at points designated by the director.

(Code 2007, 25-126)

**Sec. 25-127. Health Officer Requirements.**

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the appropriate health officer.

(Code 2007, 25-127)

**Secs. 25-128 to 25-140. Reserved.**

### DIVISION 3. BUILDING SEWERS AND CONNECTIONS

#### **Sec. 25-141. Written Permit Required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any city-owned public sewer or appurtenance thereof, located within or outside the boundaries of the city, without first obtaining a written permit from the director.

(Code 2007, 25-141)

#### **Sec. 25-142. Application, Inspection Fee.**

There shall be two (2) classes of building sewer permits:

1. For residential and commercial service, and
2. 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 director. 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.

(Code 2007, 25-142)

#### **Sec. 25-143. Costs, Indemnification.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 2007, 25-143)

#### **Sec. 25-144. Separate Building Sewers.**

A separate and independent building sewer shall be provided for every building, except where one (1) 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 (1) building sewer.

(Code 2007, 25-144)

#### **Sec. 25-145. 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 director, to meet all requirements of this division.

(Code 2007, 25-145)

#### **Sec. 25-146. Design Requirements; Codes.**

The size, slope, alignment, materials of constructions 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 buildings and plumbing code or other applicable rules and regulations of the city and state.

(Code 2007, 25-146)

#### **Sec. 25-147. Gravity Flow or Lift.**

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.

(Code 2007, 25-147)

#### **Sec. 25-148. Stormwater Separation.**

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.

(Code 2007, 25-148)

#### **Sec. 25-149. Connections.**

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 or to the procedures 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 director before installation.

(Code 2007, 25-149)

#### **Sec. 25-150. Final Inspection.**

The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative.

(Code 2007, 25-150)

#### **Sec. 25-151. Safety; Barricades; Lights.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as 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.

(Code 2007, 25-151)

#### **Secs. 25-152 to 25-160. Reserved.**

## DIVISION 4. DISCHARGE RESTRICTIONS

### Sec. 25-161. Discharge to Sanitary Sewers Limited.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(Code 2007, 25-161)

### Sec. 25-162. Discharge to Storm Sewers and Natural Outlets.

Stormwater 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 city commission. Industrial cooling water or unpolluted process waters may be discharged on approval of the city commission to a storm sewer or natural outlet.

(Code 2007, 25-162)

### Sec. 25-163. Prohibited Discharges.

1. 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.
- (2) 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 of the wastewater treatment works, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
- (3) Any herbicides and pesticides.
- (4) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the 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, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk, containers, etc., either whole nor ground by garbage grinders.
- (6) Any amount of the following heavy metals:

|           |            |
|-----------|------------|
| Antimony  | Manganese  |
| Arsenic   | Mercury    |
| Barium    | Molybdenum |
| Beryllium | Nickel     |

|                 |           |
|-----------------|-----------|
| Bismuth         | Rhenium   |
| Boron           | Selenium  |
| Cadmium         | Silver    |
| Chromium (hexa) | Strontium |
| Chromium (tri)  | Tellurium |
| Cobalt          | Tin       |
| Copper          | Uranium   |
| Iron            | Zinc      |
| Lead            |           |

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

(Code 2007, 25-163)

### **Sec. 25-164. Discharges Subject to Regulations.**

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 city commission that such wastes can harm the wastewater facility or equipment, have an adverse affect 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 city commission will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of constructions of the sewers, nature and capacity of the wastewater facility, degree of treatability of wastes in the wastewater treatment works and other pertinent factors. The substances which must be considered include but are not limited to the following:

- Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65°C).
- Any waters or wastes 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 temperatures between thirty-two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0°C to 65°C).
- Any garbage that has not been properly shredded. The installation and operation of any garbage grinder larger than those normally used shall not be installed without specific review and approval by the city commission.
- 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 city commission for discharge.
- Any waters or wastes containing reducing substances of an organic or inorganic nature, toxic or nontoxic, which exert an immediate chlorine demand shall not be discharged into the wastewater facility if discharge of such agents will prevent the achievement of an adequate chlorine residual in the effluent of the wastewater treatment works.
- Any waters or wastes containing phenols or other taste or odor producing substances cannot be discharged to the wastewater facility in concentrations exceeding limits established by the city commission. Dilution shall not be used to decrease the concentration.

7. Any radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the city commission in compliance with applicable state and federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:
  - (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 biochemical 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.
10. 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.  
(Code 2007, 25-164)

#### **Sec. 25-165. City's Discretion.**

1. 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 25-184, and which in the judgment of the city commission may have a deleterious effect upon the waste. water facilities or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city commission may:
  - (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers; or
  - (3) Require control over the quantities and rates of discharge.
1. If the city commission 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 city commission and the state and subject to the requirements of all applicable codes, ordinances, and laws.  
(Code 2007, 25-165)

**Sec. 25-166. Testing Industrial Waste.**

Testing of an industrial waste will be performed at least twice a year or whenever found necessary by the city commission. The person discharging the waste shall be liable for payment of all costs arising from the testing of the industrial waste.

(Code 2007, 25-166)

**Sec. 25-167. Grease, Oil and Sand Traps.**

Grease, oil, and sand traps shall be provided when, in the opinion of the city commission, 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. All traps shall be of a type and capacity approved by the director 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.

(Code 2007, 25-167)

**Sec. 25-168. Continuity of Precautions.**

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.

(Code 2007, 25-168)

**Sec. 25-169. Waste Meters; Manholes.**

1. When required by the city commission, the owner of any property serviced by a building sewer carrying industrial liquid wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.
2. 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 city commission. The manhole shall be installed by the owner at his expense, and shall be maintained by him as to be safe and accessible at all times.

(Code 2007, 25-169)

**Sec. 25-170. Testing Waters and Wastes.**

1. All measurements, tests and analyses 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 such 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.

2. 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 analyses involved will determine whether a twenty-four hour composite of all outfalls of a premises is approximate or whether a grab sample or samples should be taken. Normally, but, not always, COD, BOD and settleable solids analyses are obtained from twenty-four hour composites of all outfalls whereas pH's are determined from periodic grab samples.)  
(Code 2007, 25-170)

**Secs. 25-171 to 25-200. Reserved.**

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**ARTICLE VI. IRRIGATION DITCHES**

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**Sec. 25-201. Generally.**

1. The main irrigation ditches and/or canals are the:
  - (1) Aztec Ditch,
  - (2) Lower Animas Water Users Association,
  - (3) Farmers Ditch (Conservancy District), and
  - (4) Elledge-Mill Ditch.
2. The irrigation ditches shall be under the exclusive control of their respective board of directors and/or commissioners and whose duty shall include the regulating of amount of water to be delivered to the various users within the city.
3. It shall be the duty of each respective ditch governing body to keep and maintain the ditch or canal in a proper and safe manner so that no water escapes the ditch to the detriment of the city or any property owner thereof.
4. The necessity and/or duty with resulting expense of providing coverings, grills and other safety devices on the main canals or the banks, culverts, siphons, bridges and other crossings within the city shall be borne by the ditch companies.
5. Unless otherwise provided by written agreement with the city, all improvements to the canals in the city shall be borne by the ditch companies.
6. It shall be the duty of the ditch companies to each provide adequate and proper methods and manner, including the rights-of-way, to transport its spilled, excess or overflow waters through the city back to the Animas River.
7. It shall be the duty of the directors and/or commissioners to each main ditch and/or canal to clean and maintain their canals in such a manner as to leave the ditch and right-of-way in a neat, orderly and safe manner, free of all debris, large mounds and other dangerous, smelly and unsafe conditions. The ditch banks shall at all times be kept in a clean, orderly, safe and healthful condition.  
(Code 2007, 25-201)

**Sec. 25-202. Lateral Ditches.**

1. There shall be no open lateral ditch construction and all existing open ditches shall lose their rights to existence upon relocation or through non-use for a period of one (1) year.
2. All lateral ditch construction shall be at the sole expense of the person or persons desiring to use water there from and shall be by underground, completely closed pipe construction.
  - (1) The plans and specifications of any proposed irrigation system shall be submitted to the city building inspector for his approval as to:

- a) Type of material to be used;
  - b) Provision for drainage in winter unless the same is below freeze line;
  - c) Proper cleanout provisions;
  - d) Cut-off valves in case of breaks or leaks; and
  - e) Any other rules set forth by resolution or ordinance of the city commission.
- (2) Proper easements or permits shall be obtained from the city prior to construction on, over or across any street, alley or public lands.
  - (3) The irrigating system shall provide for complete use of all water carried by it.
  - (4) When an irrigating system crosses a street or alley, the same shall be enclosed in a separate conduit to provide drainage away from said street, alley or other way.
3. Each and every owner or user on a lateral irrigation system shall be severally and jointly liable for any damage caused by the leaking, escaping, drainage, losing or in any other intentional or accidental loss of water from the ditch or system for all damage done by the water from said ditch or system.
  4. Not only shall any person allowing water to run into city streets, alleys, ways or other public property be prosecuted under other applicable city ordinances, but further, upon notification of the water violation, it shall be the duty of the proper officials of the respective ditch company to immediately stop the supply of water to the person allowing it to run on public property.
  5. Each tract or lot within the city having a water right, whether the same is used or not, shall pay one (1), two (2) or three (3) of the following assessments as determined by the city commission as being applicable to such tract or lot:
    - (1) \$0.0007 per square foot of such tract or lot as being the cost of water due the ditch company.
    - (2) \$0.003 per square foot of such tract or lot as being the cost of cleaning, maintaining and caring for lateral ditches applicable to this usage.
    - (3) \$0.00084 per square foot of such tract or lot as being its proportionate share of the expense of keeping the Llano Street and the Crane-Wagner drain ditches clean to handle the irrigation surplus and seepage.  
(Code 2007, 25-202)

### **Sec. 25-203. Users Under the Aztec Ditch and the Elledge-Mill Ditch.**

1. The area encompassed in the Aztec and Elledge-Mill Ditches shall be as follows:
  - (1) Aztec Ditch users shall be all persons within the city using irrigation water from this ditch and is roughly the area bounded by the Aztec Ditch on the east, the Lower Animas Ditch on the west from the north city limits, to the end of the ditch at approximately Zia Street.
  - (2) Elledge.Mill Ditch users shall be all persons within the city using irrigation water from this ditch, whether be gravity flow or pump.

2. All head gates will be under the exclusive control of the major-domo of the company.
3. The city and/or its employees will have no duty or other responsibility for the cleaning, operation or maintenance of any lateral ditch hereunder.
4. All owners of tracts or lots with water rights under the Aztec Ditch, whether irrigation water is being used or not, shall pay annual city levy under section 25-202-5.3.
5. All owners of tracts or lots under the Elledge-Mill Ditch shall not be required to pay' a city irrigation levy.  
(Code 2007, 25-203)

**Sec. 25-204. Users Under the Farmers Ditch.**

1. These users are all persons using water from the Farmers Ditch, whether the same is by gravity flow or pumping and shall roughly be all that part of the city lying west of the Animas River and north of the Elledge-Mill Ditch.
2. All head gates will be under the exclusive control of the major-domo of the company.
3. The city and/or its employees will have no duty or other responsibility for the cleaning, operation or maintenance of any lateral ditch hereunder.
4. All owners of tracts or lots under this ditch shall not be required to pay a city levy.  
(Code 2007, 25-204)

**Sec. 25-205. Users Under the Lower Animas Water Users Association Ditch.**

1. Generally: This section applies to persons using, pumping or having a water right under the Lower Animas Water Users Association Ditch and is roughly the area of the city lying west of the Lower Animas Ditch and east of the Animas River.
2. Original town water (adjudicated as town irrigation water):
  - (1) This roughly consists of the lots in the following areas: W. E. Williams Addition, Bunkers Addition, Gillianes Addition, Safford-Hartman Addition, Blocks 1 and 2 Spath's Addition, Col. Williams Addition, Original Townsite, Currents Addition, and all other tracts lying in the area bounded on the north by Pinon Street as extended westerly, on the east by the Lower Animas Ditch, on the south by the south line of Section 9 (Llano Street extended, except area in Hartman Addition) and on the west by Ash Street as extended northerly.
  - (2) There is to be excluded from these lots those areas that are to be considered small farms (no less than two (2) acres) and those tracts bordering the main ditch and having private head gates and those having a separate water right and paying the ditch company on a direct assessment.
  - (3) The city's irrigation foreman shall have exclusive control of the head gates to irrigate the tracts and lots hereunder which shall be the head gates located on the main ditch at Fairgrounds, Sutton, Lovers' Lane, Blanco, Chaco, Chuska and Zia Streets.

- (4) The city shall clean, maintain and have complete control of all lateral ditches in this area.
  - (5) The city shall pay all assessments to the Lower Animas Water Users Association and being attributable to this area.
  - (6) All owners of tracts or lots with water rights within this area, whether irrigation water is being used or not, shall pay the annual city levy under section 25-202.
3. Area north of Sabina Street:
- (1) All head gates will be under the exclusive control of the major-domo of the company.
  - (2) The city and/or its employees will have no duty or other responsibility for the cleaning, operation or maintenance of any lateral ditch hereunder.
  - (3) All irrigation assessments shall be billed and paid directly between the company and the land owner.
  - (4) Not only shall any person allowing water to run into city streets, alleys, ways or other public property be prosecuted under other applicable city ordinances, but further, upon notification of the water violation, it shall be the duty of the proper officials of the company to immediately stop the supply of water to the person allowing it to run on public property.
4. All other areas under the Lower Animas Ditch, including all undescribed tracts as well as these subdivisions: McCoy Tracts, Baird Circle, Hartmans Addition, Hartmans Second Addition, Hartmans 2nd Addition Zone 3, and Animas Heights Subdivision:
- (1) All head gates will be under the exclusive control of the major-domo of the company.
  - (2) The city and/or its employees will have no duty or other responsibility for the cleaning, operation or maintenance of any lateral ditch hereunder.
  - (3) All owners of tracts or lots with water rights under this ditch, whether irrigation water is being used or not, shall pay the annual city levy under section 25-202-5.1 and 25-202-5.3.  
(Code 2007, 25-205)

**Secs. 25-206 to 25-210. Reserved.**

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**ARTICLE VII. STORMWATER**

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**DIVISION 1. IN GENERAL****Sec. 25-211. Purpose and Intent.**

The federal Clean Water Act, 33 U.S.C. 1251 et seq., requires certain political entities, such as the City of Aztec, to implement stormwater management programs within prescribed time frames. The governing body of the City has determined that the federal Clean Water Act, 33 U.S.C. 1251 et seq., requires the City of Aztec implement a stormwater management plan to comply with stormwater discharge permits issued under the National Pollutant Discharge Elimination System (NPDES), which includes the requirement to detect and eliminate illicit discharges of pollutants into the municipal storm drain (storm sewer) system. It is the intent of these regulations to:

1. Provide clean and sanitary channels for runoff;
2. Prevent pollution of watersheds, streams and natural drainage channels;
3. Prevent the encroachment of building or improvements on natural drainage channels;
4. Equitably apportion the cost of improvements;
5. Protect natural scenic areas; and
6. Provide for the conservation of the natural resources of the area.

(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-212. Jurisdiction.**

All subdivisions of land and all developments or improvements of any character which affect drainage in any portion of the incorporated City limits shall be subject to the provisions of this chapter.

(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-213. Compliance.**

The City, since they operate a small municipal separate storm sewer system (MS4), is essentially a compliance regulator for stormwater systems for development projects. Instituting this stormwater management plan by the City is a means to develop, implement, and enforce the reduction of pollutants in stormwater runoff from construction activities that result in land disturbance of greater than or equal to one acre. All construction activities within any part of the City for sites of one or more acres will require the owner and operator of the construction site to perform the following:

1. Obtain stormwater permit.
2. Develop and implement a Stormwater Pollution Prevention Plan.
3. Complete and submit a Notice of Intent (NOI) to the EPA.
4. Submit a Site Plan that incorporates consideration of potential water quality impacts.
5. Implement Erosion and Sediment Control Best Management Practices (BMPs).
6. Control wastes such as discarded building materials, concrete truck washout, and sanitary wastes.

(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-214. Acronyms and Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**100-year design storm**

The storm in which precipitation within a six-hour period and resulting runoff has a 1% chance of being equaled or exceeded in any given year.

**Best Management Practices (BMPs)**

Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices designed to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from raw sewage. BMPs may include structural devices or nonstructural practices.

**Channel**

Any arroyo, stream, swale, ditch, diversion, or water course that conveys storm runoff, including man-made facilities.

**City Engineer**

The engineer person, his/her designee, or consultant as designated by the City Manager.

**Clean Water Act (CWA)**

The CWA is a law enacted by Congress and signed by the President that establishes environmental programs, including the NPDES program, to protect the Nation's waters and directs EPA to develop, implement, and enforce regulations consistent with this law.

**Clearing**

The process of manually or mechanically removing the vegetative and/or non-vegetative cover.

**Construction**

Any activity that disturbs or alters the land characteristics, including but not limited to erection of buildings, paving of streets, or grading of sites.

**CWA**

See Clean Water Act.

**Design storm**

A storm which deposits a stated amount of precipitation within a stated period over a defined area and which is used in calculating storm runoff and in designing drainage control, flood control and erosion control measures.

**Detention storage**

Consists of reducing the rate of runoff for a short period of time to reduce peak flows by controlling the discharge.

**Developed land**

Any lot or parcel of land occupied by any structure intended for human occupation, including structures intended for commercial enterprise.

Developer

Any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate or other entity engaging in the platting, subdivision, filling, grading, excavation or construction of structures.

Downstream capacity

The ability of downstream major facilities to accept and safely convey runoff generated upstream from the 100-year design storm.

Drainage

Storm drainage.

Drainage control

The treatment and/or management of surface runoff from all storms up to and including a ten-year design storm.

Ecology

The relationship between organisms and their environment.

EPA

The United States Environmental Protection Agency.

Erosion

The wearing away of land surface because of the movement of wind, water, and/or ice.

Erosion and sediment control

Measures which are used to reduce the amount of soil particles that are carried off of a land area and deposited in a receiving water, or stormwater conveyance facility or structure.

Excavation

The process of removing earth, stone, or other materials.

Existing construction

Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

Grading

The cutting and/or filling of the land surface to a desired slope or elevation.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

Mechanical and utility equipment

Any electrical, heating, ventilation, plumbing, and air conditioning equipment or other service facilities associated with a structure.

MS4

See Municipal Separate Storm Sewer System.

Municipal Separate Storm Sewer System (MS4)

The regulatory definition of an MS4 (40 CFR 122.26(b)(8)) is "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created to or pursuant to state law) including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States. (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2." In practical terms, operators of MS4s can include municipalities and local sewer districts, state and federal departments of transportation, public universities, public hospitals, military bases, and correctional facilities. The Stormwater Phase II Rule added federal systems, such as military bases and correctional facilities by including them in the definition of small MS4s.

National Pollutant Discharge Elimination System (NPDES)

A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

New construction

Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

NOI

See Notice of Intent.

Non-vegetative cover

Any other pervious or impervious ground cover other than plants which reduces erosion, including but not limited to mulches or stone aggregates.

NOT

See Notice of Termination.

Notice of Intent (NOI)

If a project disturbs over one acre of ground or is one part of a larger project that ultimately impacts over one acre of ground, a Notice of Intent (NOI) is required to be completely researched, filled out and submitted to the EPA, either electronically via the internet or by hard copy with over-land delivery (US Postal Service or an express delivery service company). If the NOI is submitted and the required items of concern on the form have not been properly reviewed to determine if they would be impacted with the project, the applicant and all pertinent parties associated with them (engineer, contractor, etc.) may be found to be liable for breaking all relevant Federal laws.

NPDES

National Pollutant Discharge Elimination System, EPA's program to control the discharge of pollutants to waters of the United States.

NPDES permit

An authorization, license, or equivalent control document issued by the EPA or an approved State agency to implement the requirements of the NPDES Stormwater Program.

Nuisance waters

Those waters leaving a site and entering a public street which do not result from precipitation, such as landscape overwatering or car washing.

Operator (of a construction site)

The developer, or their designee, who maintains overall operational control over construction plans and specifications, including the ability to change these plans and specifications. An operator can also be one who maintains day-to-day operational control over activities that will ensure compliance with the Stormwater Pollution Prevention Plan (SWPPP), such as the general contractor or subcontractor.

Planting

The act or process of setting in the ground for cultivation.

Primary drainage channels

All drainage channels, streams or creeks which drain an area of 500 acres or more, excluding those areas defined as major river channels.

Receiving water

The "Water of the United States" as defined in 40 CFR 122.2 into which the regulated stormwater discharges.

Sediment

Soil, sand, and minerals transported by wind offsite or washed from land into water, usually after rain.

Soil

The unconsolidated mineral and organic material on the immediate surface of the earth serves as a natural medium for growth of plants.

Soil disturbance/soil disturbing activities

Any moving or removing by manual or mechanical means of the vegetative and/or nonvegetative cover or soil mantle, including but not limited to excavations and mining.

Start of construction (for new construction and substantial improvement)

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit issuance date. The actual start means either: the first placement of construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns; or any work including the stage of excavation; or the placement of a manufactured home on a foundation. Construction includes land preparation such as clearing, grading and, filling; the installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms; and the installation on the property

of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. A permit expires, if after 180 days from the issuance of the permit, construction, repair, reconstruction, placement, or other improvement has not started at the site.

*Stockpiling*

Storing or mounding of topsoil or other fill or excavated material in a designated area.

*Stormwater*

Stormwater runoff, snow melt runoff, and surface runoff and drainage.

*Stormwater Technician*

The individual appointed by City Manager to oversee the compliance and permit process.

*Stormwater Discharge Related Activities*

Activities that cause, contribute to, or result in stormwater point source pollutant discharges, including excavation, site development, grading, and other surface disturbance activities; and measures to control stormwater, including the siting, construction, and operation of BMPs to control, reduce, or prevent stormwater pollution.

*Structure*

A walled and roofed building; a gas or liquid storage tank, that is principally above ground; a manufactured home, and any building which is used for private residential, business, industrial or religious purposes, or which is occupied by a private nonprofit organization, or which is owned by a Federal, State, or local government or any agency thereof. The term includes a building while during construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, repair or alteration unless such materials or supplies are within an enclosed building on the premises. The term, when used for determination of detention requirement only, shall not include buildings, sheds, barns, storage buildings on agriculturally zoned property or abandoned buildings of any kind.

*Substantial improvement*

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For this definition "substantial improvement" is considered to commence when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State inventory of historic places.

*Sump areas*

Low elevations which collect water.

*SWPPP*

Stormwater Pollution Prevention Plan.

*Vegetative cover*

Plants shielding the soil surface from erosion.

*Violation*

The failure of a structure, improvement, or other development to be fully compliant with the stormwater management regulations.

(Ord. 2023-532, eff. 2023-July-17)

**DIVISION 2. ADMINISTRATION and ENFORCEMENT****Sec. 25-215. Administration and Enforcement.**

The City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the City may be delegated in writing by the City to persons or entities acting in the beneficial interest of or in the employment of the City. The Stormwater Technician, City Engineer, Utilities Director, Finance Director, or their designated representatives, have full authority to enforce the provisions of this chapter.

(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-216. Discharge Prohibitions and Exemptions.**

1. Prohibition of Illicit Discharges. No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater, including but not limited to: trash, yard waste, landscaping materials, lawn chemicals, pet waste, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment; discharges from toilets; sinks; industrial processes; cooling systems; boilers; fabric cleaning; equipment cleaning; commercial vehicle cleaning; construction activities; including but not limited to, painting, paving, concrete placement, saw cutting, and grading; swimming pools; spas; and fountains; or substances added to the storm drain to control root growth, unless specifically permitted by a discharge permit or unless exempted in this article. The prohibition shall not apply to any non-stormwater discharge permitted under a CDPS, waiver, or waste discharge order issued to the discharger and administered under the authority of the New Mexico Department of Public Health and Environment, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4 by the director.
2. Exemptions. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illicit discharges unless determined to cause a violation of the provisions of the Clean Water Act, state law or this section:
  - 1) Water line flushing;
  - 2) Uncontaminated pumped groundwater and other discharges from potable water sources;
  - 3) Landscape irrigation and lawn watering;
  - 4) Irrigation return flows;
  - 5) Rising groundwater;
  - 6) Uncontaminated groundwater infiltration to the storm drain system;
  - 7) Uncontaminated foundation drains;

- 8) Uncontaminated water from crawl space pumps;
- 9) Air conditioning condensation;
- 10) Uncontaminated non-industrial roof drains;
- 11) Springs;
- 12) Individual residential car washing or car washing of less than two (2) consecutive days in duration for charity, nonprofit fund raising, or similar noncommercial purpose,
- 13) Flows from riparian habitats and wetlands; or
- 14) De-chlorinated swimming pool discharges; street wash waters;
- 15) Flows from firefighting activities or fire hydrant testing;
- 16) Dye testing is an allowable discharge (but requires a verbal notification to the director twenty-four (24) hours prior to the time of the test); or
- 17) Any other waters determined by the City to be a non-contaminated and acceptable for return to the MS4 and watercourses.

(Ord. 2023-532, eff. 2023-July-17)

### **Sec. 25-217. Prohibition of Illegal Connections.**

The construction, use, maintenance, or continued existence of illegal connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The city may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of these regulations to eliminate the connection by a specified date.

(Ord. 2023-532, eff. 2023-July-17)

### **Sec. 25-218. Suspension of MS4 Access.**

1. Suspension Due to Illicit Discharge in Emergency Situations. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or watercourses. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or watercourses, or to minimize danger to persons.
2. Suspension Due to Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the director.

(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-219. Waste Disposal Prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any component of the storm drain system, or water of the U.S., any pollutant.

(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-220. Watercourse Protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other substances that would pollute, contaminate, obstruct, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines to protect against erosion and degradation of the watercourse originating or contributed from their property.

(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-221. Authority to Inspect.**

1. Applicability. This section applies to all facilities that have stormwater discharges associated with commercial or industrial activity, including construction activity.
2. Access to Facilities.
  - 1) The City shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the City.
  - 2) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an CDPS permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
  - 3) The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the director to conduct monitoring and/or sampling of the facility's stormwater discharges.
  - 4) The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be always maintained in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

- 5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the director and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- 6) Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a CDPS permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.
- 7) If the City has been refused access to any part of the premises from which stormwater is discharged, and they are able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.  
(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-222. Authority to Sample, Establish Sampling Devices and Test.**

During any inspection as provided in these regulations, the City may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. In the event the owner or occupant denies permission to sample, establish sampling devices, and test, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such samples, sampling devices, or tests.

(Ord. 2023-532, eff. 2023-July-17)

**Secs. 25-223 to 25-230 Reserved.**

### DIVISION 3. PERMITS and PROCESS

#### Sec. 25-231. Permit Required.

1. The applicant fills out the Stormwater Application Form, as provided by the City of Aztec, for all projects.
2. The project information is reviewed to determine if it is exempt (project area is less than 1.0 acres) or must proceed through the review process.
3. If the project is exempt, the Application Form is approved and signed by the Stormwater Technician and given to the applicant.
4. If the project is not exempt, then the applicant must submit one set of all necessary plans and calculations for review.
5. The submittal is reviewed by appropriate staff for compliance with these regulations.
6. If the plans are approved, the permit is issued and signed by the Stormwater Technician and a copy is given to the applicant.
7. If the plans are not approved, the applicant is notified and informed of any revisions or problems that need to be addressed. A copy of the review comments will be given to the applicant.

(Ord. 2023-532, eff. 2023-July-17)

#### Sec. 25-232. SWPPP and Stormwater Permit Process.

1. Identify Plan Components. The City has a flow chart to assist the applicant in determining the course of action and help identify what SWPPP components are needed in the plan. All sites greater than 1.0 acre are required to prepare an Erosion and Sediment Control plan component to control the stormwater discharge during construction.
2. Develop a Stormwater Pollution Prevention Plan (SWPPP). Prior to the start of construction, a SWPPP needs to be developed. The SWPPP does not need to be submitted to EPA but must be kept on the construction site and accessible to everyone during construction activities. A SWPPP must include the following information:
  - 1) Site description and design plans identifying potential sources of pollution that may affect the quality of stormwater discharges.
  - 2) Appropriate Best Management Practices (BMPs), including erosion, sediment, and stormwater management controls to minimize the discharge of pollutants from the site.
  - 3) Description of steps taken to prevent and control pollutants in stormwater discharge from the site, including an inspection schedule of all disturbed, unstabilized areas and maintenance of all controls to ensure their proper operation.
3. Complete and Submit a Notice of Intent (NOI). The applicant must complete and submit a NOI to the EPA Division of Water Pollution Control Permit Section before construction activities that will cause land disturbance can begin. The City's Stormwater Technician can assist the applicant in determining if the NOI is complete.

4. Implement the SWPPP. The plan is only effective if implemented and updated as necessary. Construction may begin upon receiving a letter from the EPA that the NOI is complete. The site and this plan should be always accessible for inspection.
  - 1) Notification of spills. Notwithstanding other requirements of law, as soon as any operator responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or watercourses said operator shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the operator shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the operator shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.
5. Complete and Submit a Notice of Termination (NOT). When the project is completed, the coverage must be terminated. To cancel the coverage, an applicant must submit a Notice of Termination (NOT) form. A project is considered complete by the EPA under the two following conditions:
  - 1) After the land-disturbing activities are complete and the site has been finally stabilized, the operator should terminate his coverage under the permit by completing a NOT form and submitting it to the EPA. The United States Environmental Protection Agency considers that a site has been finally stabilized when all land-disturbing activities are complete and a uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been used.
  - 2) The permittee is no longer an operator of the site.  
(Ord. 2023-532, eff. 2023-July-17)

**Secs. 25-233 to 25-240 Reserved.**

## DIVISION 4. CONTROL STANDARDS

### Sec. 25-241. Design, Construction, and Maintenance.

1. All developed land within the city shall be provided with adequate drainage and erosion control facilities. The protection of life and property shall be considered with primary function in the planning, design, construction and maintenance of drainage and erosion control facilities, but other concerns, not limited to the following shall be addressed: channel capacity, watershed characteristics, channel stability, maintenance, transitions between treatment types, multiple use goals and appearance. The needs of the community in transportation, utility services, recreation, and open space shall be considered in planning, design, construction, and maintenance. These needs shall always be considered subsidiary to the primary function of the drainage and erosion control facility.
2. The design, construction and maintenance of dams, levees and diversions that fall within the jurisdiction of the State Engineer shall meet or exceed standards established by the State Engineer.
3. All major facilities shall be constructed within dedicated rights-of-way or recorded drainage easements granted to and accepted by the City.
4. All detention ponds defined as minor facilities shall be constructed on private property unless otherwise authorized by the City. Except as is necessary for the treatment of nuisance water, all ponds shall be designed and constructed to be emptied in 24 hours or less. The use of individual lot ponding shall be governed by the standards established by the City.
5. Wherever drainage or erosion control improvements are necessary within dedicated public open space, the improvements shall be designed and constructed in a manner reasonably consistent with the natural surroundings. All construction and maintenance activities in dedicated open space shall be performed to minimize the disruption and destruction of vegetation and adjacent landforms. Where the disturbance or destruction is unavoidable, re-vegetation shall be performed at the earliest practical time by those responsible for the disturbance and/or destruction.
6. The City shall establish criteria, procedures and standards for design and construction of drainage control and erosion control improvements within the city. Requests for variance from normal criteria and standards shall go before the City Commission.
7. The City has adopted requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the MS4, or watercourses. These BMPs are established by the EPA and available on their or the City's web site. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the permit.  
(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-242. Surface Use of Streets.**

1. The surface of streets may be used for drainage and flood control purposes, to the extent the use does not interfere with the safe transportation of people and vehicles.
2. The 100-year design storm runoff shall not exceed a depth of 0.87 feet at any point within the street right-of-way, or 0.2 feet above top of curb, in any street or enter private property, built in compliance with appropriate regulations, from a street, except in recorded drainage or flood control easements or rights-of-way (or historic channels and watercourses where easements or rights-of-way cannot be obtained).
3. The ten-year design storm runoff shall not exceed a depth of 0.5 feet in any arterial street and shall flow such that one 12-foot driving lane in each direction is free of flowing or standing water. The ten-year design storm runoff shall not exceed a depth of 0.5 feet in any collector street. Arterial and collector streets that are in the state highway system may require more stringent drainage criteria.
4. The product of depth times velocity shall not exceed 6.5 at any location in any street in the event of a ten-year design storm (with velocity calculated as the average velocity measured in feet per second and depth measured at the gutter flow line in feet).
5. The discharge of nuisance waters to public streets shall be discouraged. Arterial and collector streets shall be protected from damage to the pavement surface and from the safety hazards created by surface flow of nuisance waters across them.
6. All newly developed land within the city shall be served by at least one paved access that shall be an all-weather facility during a 100-year design storm, with all channel-crossing structures beneath the roadway being able to pass a 100-year design storm runoff event.  
(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-243. Crossings.**

1. Channel crossing structures shall be provided on all arterial and collector streets to safely pass the 100-year design storm runoff from major arroyos, assuming a fully developed watershed.
2. Streets other than arterials, collector and sole access may cross major arroyos and other watercourses by means of a "dip section" or an "overflow section," provided depth times velocity (with velocity calculated as the average velocity measured in feet per second and depth measured in feet at the upstream edge of the roadway including sidewalk) does not exceed 6.5 for that portion of the ten-year storm runoff crossing on the street.
3. Where feasible, temporary crossings shall be designed so they may be incorporated into the future permanent crossing structure so that they meet street design standards established by the City.
4. Crossing of major arroyos by arterial and collector streets shall be at public expense. Crossings of arroyos by streets other than arterials and collectors shall be constructed at developer expense and shall meet street design standards established by the City.

5. Temporary crossings required for access, including those on arterials and collectors, shall be constructed at developer expense.  
(Ord. 2023-532, eff. 2023-July-17)

#### **Sec. 25-244. Rights-of-Way and Easements.**

1. Multiple use is encouraged for drainage rights-of-way and drainage easements (e.g., for utility corridors and for recreation trails). Where multiple use is planned by the City, another public agency, or a public utility, the City may require that dedication statements include language which permits the uses in addition to the primary drainage function. However, land required to be dedicated for drainage rights-of-way and easements shall be limited to those land areas necessary for drainage control, flood control, erosion control and necessary appurtenances.
2. Drainage rights-of-way and easements may be credited for open space, except for any area which is exclusively used for the drainage control or flood control function.  
(Ord. 2023-532, eff. 2023-July-17)

#### **Sec. 25-245. Bridges and Culverts.**

All flow of water across continuous streets or alleys shall be through culverts or bridges. Bridges and culverts shall be sized to accommodate a 50-year frequency rain, without increasing the depth of flow in the channel. The design of bridges and culverts shall conform to City construction specifications.  
(Ord. 2023-532, eff. 2023-July-17)

#### **Sec. 25-246. Closed Storm Sewers.**

Closed storm sewers shall be constructed of precast or prefabricated pipe or built in place of closed box design to conform with City construction specifications and requirements. Storm sewers carrying runoff from streets may be designed to serve ten-year frequency rain for the drainage area involved, provided that in sump areas the storm sewer shall be designed to serve a 50-year frequency rain with a concrete flume being constructed over the storm sewer to ensure that any overflow can reach a suitable outlet without inundating any building pad.  
(Ord. 2023-532, eff. 2023-July-17)

#### **Sec. 25-247. Open Paved Storm Drainages.**

Open paved storm drainage channels shall be constructed in accordance with City specifications and requirements. Side slopes above the paved section shall be shaped and sodded on a slope of three horizontal to one vertical or flatter. Fences shall not be erected closer than one foot (measured horizontally) to the edge of the paved section.  
(Ord. 2023-532, eff. 2023-July-17)

#### **Sec. 25-248. Erosion and Sediment Controls.**

All development, construction, grading, clearing and grubbing, excavation and stockpiling, preparation for planting, excavation of trenches, demolition, or any other activity which results in the disturbance of soil or vegetative cover within the City, or in any area under the jurisdiction of the City shall be performed in a manner consistent and in compliance with the requirements of the Oklahoma Department of Environmental Quality (ODEQ) and the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) regulations, or permits issued to the City established to eliminate pollution in the form of soil erosion or sediment transport or deposition on or away from the site.  
(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-249. Primary Drainage Channel Requirements.**

All primary drainage channels which are located within, or immediately adjacent to, an improvement, construction area, development or subdivision shall be protected and improved by the developer as follows:

1. All land having an elevation below the 50-year maximum flood elevation for the final improved channel shall be dedicated for the purpose of providing drainage, for public park, or drainage and utility easement use.
2. The existing channel lying within or immediately adjacent to the subdivision or parcel of land proposed for development or redevelopment shall be cleaned to provide for the free flow of water, and the channel shall be straightened, widened, and improved to the extent required to prevent overflow, resulting from a 50-year frequency rainfall, beyond the limits of the dedicated drainage easement.
3. Whenever channel improvements are carried out, sodding, back sloping, cribbing, and other bank protection shall be designed and constructed to control erosion for the anticipated conditions and flow resulting from a 50-year frequency rainfall.
4. A drainage channel shall not be in a street easement unless it is placed in an enclosed storm sewer except under the following conditions:
  - 1) Where a paved street surface at least two lanes wide is provided on both sides of a paved channel to provide access to abutting properties.
  - 2) Where lots are platted to back up to the street right-of-way where the drainage channel is located between the rear lot line and the paved street, provided, that there is no access to the rear of the lot from the street, and further provided that at no time in the future shall access be allowed or constructed over the open drainage channel to the rear of a lot so platted. For these regulations, a lot which sides to a public street is not considered to back up to the street right-of-way.
  - 3) When a condition outlined in either Subsection 1 or 2 above is present, adequate space adjacent to the channel shall be dedicated as right-of-way to provide for maintenance of the paved drainage channel and its unpaved bank.  
(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-250. Detention System Requirements.**

1. In drainage areas where the City has no record of downstream flooding of structures and development of the subject property using a runoff coefficient of 70 percent would not cause downstream flooding of existing structures, detention will not be required. Detention storage will be required for the increased runoff resulting from development having an imperviousness in excess of 70 percent for all developments on parcels greater than two acres.
2. Detention system shall not be required in drainage areas where the City has no record of downstream flooding of structures and drainage calculations provided by the developer or the City.

3. When it has been determined on-site detention is required, engineering plans and drainage calculations shall be provided to the City for review and approval when filing a final plat or applying for a building permit on unplatted property.
4. The required volume for stormwater detention shall be calculated based on the runoff from a 100-year frequency rainfall of an appropriate duration. This volume of storage shall be provided for the fully developed watershed that is tributary to the area designated for detention purposes. The stormwater release rate shall be considered when calculating the stormwater storage capacity and the control structure designed to maintain a discharge rate not to exceed the rate as outlined above regardless of the depth of stormwater in the storage area.
5. Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each stormwater storage area shall be provided with a method of emergency overflow if a storm in excess of the 100-year frequency occurs. This emergency overflow facility shall be designed to function without attention and shall become a part of the "natural" or surface channel system. Hydraulic calculations shall be submitted to substantiate all design features. Detention storage facilities herein provided for shall not be dedicated to the public for public maintenance unless located on a primary or secondary drainage channel. All private on-site facilities shall be properly maintained by the owner such that they do not become a nuisance. Nuisance conditions shall include but not be limited to: improper storage resulting in uncontrolled runoff and overflow, stagnant water with concomitant algae growth, insect breeding and odors, discarded debris, safety hazards created by the facility's operation and silting of the facility decreasing the design storage capacity by 20 percent or more. All detention facilities located on private property shall be always accessible for inspection.  
(Ord. 2023-532, eff. 2023-July-17)

#### **Sec. 25-251. Subdivisions.**

1. The development of subdivisions with one acre or larger lots shall be carried out in such a manner that surface water from each lot will flow to a roadway side ditch, swale, channel, or natural creek. Prior to final plat or building permit approval the developer shall provide the City detailed construction plans showing channel and roadway side ditch sizes, grades, and driveway pipe sizes as well as erosion control measures necessary to prevent erosion of the proposed channel construction. These improvements shall include but not be limited to sodding, channel lining or ditch checks as required to prevent erosion of the proposed or existing channel. These improvements shall be the responsibility of the developer and shall be installed by the developer and inspected by the City prior to the issuance of building permits.
2. Runoff from a 25-year frequency storm shall be used for the purpose of determining the sizing of roadway side ditches and driveway pipes. Surface water collected in roadway side ditches shall be directed to a secondary drainage channel not located within the street right-of-way as often as the terrain will allow.
3. Runoff from a 50-year frequency storm shall be used for sizing channels, creeks, and any structures that are needed for street crossings.
4. The maintenance of channels serving drainage areas of less than 500 acres shall be the responsibility of the property owner, the adjoining or abutting property owner or owners, or a

duly constituted homeowners' association unless such improvements are installed by the developer and accepted for maintenance by the City.  
(Ord. 2023-532, eff. 2023-July-17)

**Sec. 25-252. Financial and Maintenance Responsibility.**

1. The City may participate in the construction of permanent flood control facilities to the extent that public benefits are derived from the construction and are consistent with Infrastructure Capital Improvement Program (ICIP) priorities. Reimbursement for private funding of such projects may also be available under these conditions.
2. The City may participate in the costs of channel crossing structures for arterial and collector streets which are required for sole access to a development. The developer's share shall not exceed the cost required to meet the minimum street width standards established by the City.
3. The City shall not participate in the funding of flood control facilities in which the sole intent is the reclamation of undeveloped land located within a flood hazard area for private development purposes.
4. The dedication of land for public purposes does not relieve a developer of responsibilities for the construction of drainage control, flood control and erosion control facilities that would otherwise be necessary. The dedication of rights-of-way or easements for drainage control, flood control or erosion control facilities does not relieve a developer of responsibilities that would otherwise exist for the construction of other public infrastructure.
5. Except as otherwise noted herein, all permanent major facilities shall be maintained by the city or other public body. The maintenance of multiple use facilities to which the public is denied access shall be the responsibility of the owners and shall be performed to City standards. The City may allow private maintenance within public right-of-way or easement, provided that adequate guarantees and indemnifications are supplied.
6. Minor facilities shall be maintained by their owners to City standards.
7. The maintenance of temporary facilities constructed at private expense (except crossing structures) is the responsibility of the developer until permanent facilities are in place.
8. The developer shall be responsible for maintaining or replacing temporary crossing structures for a period of six (6) years or until a permanent structure is built, whichever comes first. The city shall maintain temporary crossings which are designated and built such that they may be directly incorporated into the ultimate facilities.  
(Ord. 2023-532, eff. 2023-July-17)