

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2013-40

3 INTRODUCED BY:

4
5 Councilor Calvert

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10 AN ORDINANCE

11 RELATING TO SEWER RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY
12 LIMITS; AMENDING SUBSECTION 22-6.2 SFCC 1987 TO ESTABLISH THAT THE
13 SANTA FE COUNTY HOUSING ASSISTANCE ORDINANCE SHALL HAVE
14 JURISDICTION OVER PROPERTIES OUTSIDE THE CITY LIMITS; AND
15 AMENDING RULE 8 A. OF EXHIBIT A OF CHAPTER 22 SFCC 1987, CITY OF SANTA
16 FE SANITARY SEWER RATE, FEE AND PENALTY SCHEDULE, TO ESTABLISH
17 CUSTOMER WHOLESALE RATES FOR PROPERTIES LOCATED OUTSIDE THE
18 CITY LIMITS THAT ARE CONNECTED TO THE CITY SEWER SYSTEM.

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20 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

21 Section 1. Subsection 22-6.2 SFCC 1987 (being Ord. #1997-3, §39, as amended
22 is amended to read:

23 22-6.2 Properties Outside City Limits.

24 A. *Purpose.* The governing body has determined that connections to the city's sewer
25 system should be allowed outside the city limits under certain conditions. The wastewater

1 treatment plant has the capacity for such connections, the effluent is a benefit to the city, and
2 protection of the groundwater is important.

3 B. *Definitions.* As used in this section:

4 *Presumptive City Limits* is defined in the settlement agreement and mutual
5 release of claims entered into by the city of Santa Fe, Santa Fe County and other parties
6 dated May 19, 2008.

7 C. *Connection Prohibited.* Sanitary sewer service line connections and sanitary
8 sewer mainline extensions are prohibited outside the presumptive city limits except as set forth in
9 this section.

10 D. *Existing Agreements.* Sanitary sewer service line connections and sanitary sewer
11 mainline extensions for which there is a valid, written agreement obligating the city to allow
12 connection to the city's sewer system shall be reviewed by the city attorney and may be
13 implemented by the wastewater management division director.

14 E. *Property Owners.* This section shall apply to properties owned by private property
15 owners as well as to properties owned by county, state or federal agencies to the extent allowed
16 by law.

17 F. *Areas of Sanitary Sewer Service.*

18 (1) Requests for sanitary sewer service line connections and sanitary sewer
19 mainline extensions submitted after October 29, 2008, (date of adoption of this
20 Ordinance) for properties located entirely within the areas to be annexed, as defined in
21 the settlement agreement and mutual release of claims entered into by the city of Santa
22 Fe, Santa Fe county and other parties dated May 19, 2008, shall be processed in the same
23 manner as requests for properties within the current city limits. This paragraph shall not
24 apply to those requests described in paragraph D. above.

25 (2) Requests for sanitary sewer service line connections and sanitary sewer

1 mainline extensions for properties outside the presumptive city limits including the Aqua
2 Fria traditional historic community and the county of Santa Fe fairgrounds shall be
3 processed pursuant to paragraph I. below.

4 G. *Affordable Housing.* [~~Section 14-8.11 (D) SFCC 1987 regarding the Santa Fe~~
5 ~~Homes Program~~] The Santa Fe County Housing Assistance Ordinance, Sec. 151.01, Santa Fe
6 County Code of Ordinances shall apply.

7 H. *Conditions of Service.* The property owner and all future owners of the property
8 obtaining city sewer service under this section shall be required to pay all applicable rates,
9 charges and fees for city sewer service. Requirements set forth in Chapters XIV and XXII SFCC
10 1987 and all other rules and regulations pertaining to the use of the city's sewer service are also a
11 condition of service.

12 I. *Water/Wastewater Review Team.*

13 (1) All applications for city sewer service connections for properties outside
14 the presumptive city limits shall be reviewed by the water/wastewater review team
15 (WWRT). The team shall meet regularly and shall be made up of city and county staff
16 from the water division, the wastewater division, the city attorney's office, the county
17 attorney's office, the land use departments and the office of affordable housing. The team
18 shall evaluate the completeness of the application and the feasibility of implementing the
19 connection. Applications shall include the following:

20 (a) A map of the proposed project in relation to the existing city
21 limits and the presumptive city limits;

22 (b) A detailed description of the proposed development including
23 the type and size of proposed land uses;

24 (c) The health, safety, public welfare or other legal reason for the
25 connection;

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(d) Documentation from the county of Santa Fe that county sewer service is not available; and

(e) A certified Santa Fe Homes Proposal as set forth in Section 14-8.11 SFCC 1987.

(2) If the WWRT finds the connection feasible and the legal reasons compelling, it shall submit a report to the public utilities committee of the city, the governing body and the board of county commissioners for consideration of an agreement between the city of Santa Fe and Santa Fe county pursuant to Section 2.m. of the settlement agreement and mutual release of claims entered into by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008.

J. *Wastewater Service Agreement.* The property owner obtaining city sewer service under paragraph F.(1) of this section shall enter into a wastewater service agreement with the city. The applicant shall agree to not oppose the annexation of the property upon the request of the city and in accordance with the applicable regulations regarding such annexations. The agreement shall be reviewed and approved by the city attorney's office and the wastewater management division director. The document, which includes a legal description of the property, shall apply to the property and all future owners and shall be recorded at the county clerk's office and retained at the city clerk's office. No connection to the city's sewer system shall be provided until a copy of the recorded document is provided to the wastewater management division director. The requirement to agree to not oppose the annexation of the property shall not apply to property located entirely within the boundary of the Agua Fria traditional historic community.

Section 2. Rule 8 A. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-3, Exhibit A, as amended) is amended to read:

8. Sewer Service Charges.

A. Connected to City Sewer

1 1. Single Family Residential Sewer Service Fees and Usage Fees.

2 Single family residential sewer service fees and usage fees shall apply if
 3 a sewer customer is served by city water and meets the single family
 4 service classification for water as set forth in Chapter 25 SFCC 1987. If
 5 not served by city water, single family residential sewer service fees and
 6 usage fees shall apply where the sewer connection serves only one unit*
 7 for normal domestic sewage.

8 a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

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 10 b. [~~Outside~~] *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

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 12 c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	<u>Connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$3.95 per 1000 gallons of water**</u>
January 1, 2014	<u>Not connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$14.22/unit*</u>

2. Multi-Family Residential Sewer Service:

The following sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the multi-family residential service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, multi-family residential sewer service fees and usage fees shall apply where the sewer connection serves more than one unit* for normal domestic sewage.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. [~~Outside~~] *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$ 13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
<u>Effective Date</u>		<u>Monthly Service Fee</u>	<u>Monthly Usage Fee</u>
<u>January 1, 2014</u>	<u>Connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$3.95 per 1000 gallons of water**</u>
<u>January 1, 2014</u>	<u>Not connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$14.22/unit*</u>

3. Commercial Sewer Service:

The following sewer service fees and usage fees shall apply where the water meter(s) serves a use not classified as single family residential or multi-family residential sewer service set forth above or where service is provided for a combination of residential and commercial services.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city	\$5.85/unit*	\$3.58 per 1000 gallons
	water Not connected to city	\$5.85/unit*	of water*** \$12.88/unit*
July 1, 2012	water		

b. [~~Outside~~] *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$ 13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	<u>Connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$3.95 per 1000 gallons of water**</u>
January 1, 2014	<u>Not connected to county water</u>	<u>\$4.29/unit*</u>	<u>\$14.22/unit*</u>

4. Exceptions to Commercial Sewer Service.

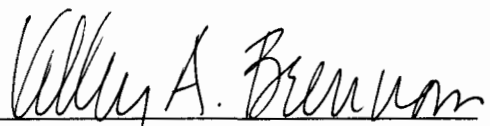
Mobile home parks; commercial greenhouses; churches; properties

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owned by the U.S. government, the state of New Mexico, the city of Santa Fe, the county of Santa Fe and the Santa Fe board of education; and state accredited private elementary and secondary schools and colleges shall not be considered commercial sewer services and shall be considered residential sewer service.

Section 2. **EFFECTIVE DATE.** This Ordinance shall become effective January 1, 2014.

APPROVED AS TO FORM:



KELLEY A. BRENNAN, INTERIM CITY ATTORNEY