

1 **CITY OF SANTA FE, NEW MEXICO**

2 **ORDINANCE NO. 2008 - 53**

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4  
5 **AN ORDINANCE**

6 **AMENDING SECTIONS 22-6.2 AND 25-1.11 SFCC 1987 REGARDING CITY**  
7 **WASTEWATER AND WATER SERVICE OUTSIDE THE CITY LIMITS.**

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

10 **Section 1. Section 22-3.1 SFCC 1987 (being Ord. #1997-3, §5 as amended) is**  
11 **ordained to read:**

12 **22-3.1 Connection to the Public System; Requirements.**

13 Connection to the public system is mandatory when the property being developed or  
14 improved is accessible to the city sanitary sewer system and is in the city limits or located entirely  
15 within the areas to be annexed, as defined in the settlement agreement and mutual release of  
16 claims entered into by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008.  
17 *Prior to making such a connection, owners and developers of such property shall obtain*  
18 *information from the division concerning specifications, standards, procedures and other*  
19 *requirements contained in this chapter.*

20 **Section 2. Section 22-6.2 SFCC 1987 (being Ord. #1997-3, §39 as amended) is**  
21 **ordained to read:**

22 **22-6.2 Properties Outside City Limits.**

23 A. *Purpose.* The governing body has determined that connections to the city's sewer  
24 system should be allowed outside the city limits under certain conditions. The wastewater  
25 treatment plant has the capacity for such connections, the effluent is a benefit to the city, and

1 protection of the groundwater is important.

2 B. *Definitions.* As used in this Section:

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

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

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

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

16 F. *Areas of sanitary sewer service.*

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

24 (2) Requests for sanitary sewer service line connections and sanitary sewer  
25 mainline extensions for properties outside the presumptive city limits including the Aqua

1 Fria traditional historic community and the county of Santa Fe fairgrounds shall be  
2 processed pursuant to paragraph I. below.

3 G. *Affordable housing.* Section 14-8.11(D) SFCC 1987 regarding the Santa Fe  
4 Homes Program shall apply.

5 H. *Conditions of Service.* The property owner and all future owners of the property  
6 obtaining city sewer service under this section shall be required to pay all applicable rates,  
7 charges and fees for city sewer service. Requirements set forth in Chapters 14 and 22 SFCC 1987  
8 and all other rules and regulations pertaining to the use of the city's sewer service are also a  
9 condition of service.

10 I. *Water/wastewater review team.*

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

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

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

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

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

1 (e) A certified Santa Fe Homes Proposal as set forth in Section 14-  
2 8.11 SFCC 1987.

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

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

20 **Section 3. Section 25-1.11 SFCC 1987 (being Ord. #1999-42, §10 as amended) is**  
21 **ordained to read:**

22 **25-1.11 Properties Outside City Limits.**

23 A. *Purpose.* The governing body has determined the following:

24 (1) The city is facing water planning issues in the region outside of the city  
25 municipal limits;

1 (2) The city is experiencing a regional drought and is actively implementing  
2 programs and policies to define the water supply and demand in the Santa Fe region;

3 (3) Existing customers of the city water system, as well as future customers,  
4 must have an adequate, safe and reliable water supply; and

5 (4) Regulations are necessary to limit the connection of city water services  
6 outside the city municipal limits.

7 B. *Definitions.* As used in this Section:

8 *Presumptive city limits* is defined in the settlement agreement and mutual release  
9 of claims entered into by the city of Santa Fe, Santa Fe County and other parties dated  
10 May 19, 2008.

11 C. *Connection prohibited.* Connection to the city's water system shall be prohibited  
12 outside the presumptive city limits except as set forth in this section.

13 D. *Existing agreements.* Water service connections for which there is a valid,  
14 written agreement obligating the city to allow connection to the city's water system shall be  
15 reviewed by the city attorney and may be implemented by the water division director. Existing  
16 agreements also include the extension of the utility service area by approved ordinance.

17 E. *Property owners.* This section shall apply to properties owned by private  
18 property owners as well as to properties owned by county, state or federal agencies to the extent  
19 allowed by law.

20 F. *Areas of Water Service.*

21 (1) Requests for water service connections submitted after October 29, 2008,  
22 (date of adoption of this Ordinance) for properties located entirely within the areas to be  
23 annexed, as defined in the settlement agreement and mutual release of claims entered into  
24 by the city of Santa Fe, Santa Fe county and other parties dated May 19, 2008, shall be  
25 processed in the same manner as requests for properties within the current city limits.

1 This paragraph shall not apply to those requests described in paragraph D. above.

2 (2) Request for water service connections for properties outside the  
3 presumptive city limits including the Agua Fria traditional historic community and the  
4 county of Santa Fe fairgrounds shall be processed pursuant to paragraph I. below. For the  
5 purpose of meeting water utility regulatory requirements, new connections outside the  
6 areas described in this paragraph may be approved by agreement of the governing bodies  
7 of the city of Santa Fe and Santa Fe County.

8 G. *Affordable housing.* Section 14-8.11(D) SFCC 1987 regarding the Santa Fe  
9 Homes Program shall apply.

10 H. *Conditions of Service.*

11 (1) Properties receiving city water service shall connect to the city's sewer  
12 system. If a property does not connect to the city's sewer system, the property shall not  
13 be connected to the city's water system.

14 (2) Water service approved under this section shall be only for the specific  
15 use and amount for which the application was approved.

16 (3) The property owner shall disconnect and abandon all existing wells  
17 according to the rules and regulations established by the water division. Proof of  
18 compliance with such rules and regulations shall be submitted to the water division  
19 within 30 days of connection to the city's water system.

20 (4) The property owner and all future owners of the property obtaining city  
21 water service under this section shall be required to pay all applicable rates, charges and  
22 fees for city water service.

23 (5) Requirements set forth in Chapters 14 and 25 SFCC 1987 and all other  
24 rules and regulations pertaining to the use of the city's water service are also a condition  
25 of service.

1           (6)     The property owner shall be required to bring water rights or retrofits  
2 pursuant to Section 14-8.13 SFCC 1987.

3           (7)     The property owner shall agree not to join the Agua Fria traditional  
4 historic community.

5           I.     *Water/wastewater review team.*

6           (1)     All applications for city water service connections for properties outside  
7 the presumptive city limits shall be reviewed by the water/wastewater review team  
8 (WWRT). The team shall meet regularly and shall be made up of city and county staff  
9 from the water division, the wastewater division, the city attorney's office, the county  
10 attorney's office, the land use departments and the office of affordable housing. The team  
11 shall evaluate the completeness of the application and its compliance with this Section.  
12 Applications shall include the following:

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

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

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

19                   (d)     A site water budget;

20                   (e)     Documentation from the county of Santa Fe that county water  
21 service is not available;

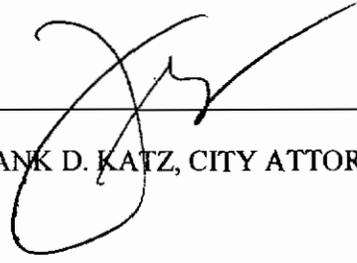
22                   (f)     Documentation from the wastewater division regarding sewer  
23 availability; and

24                   (g)     A certified Santa Fe Homes Proposal as set forth in Section 14-  
25 8.11 SFCC 1987 if applicable.



1 APPROVED AS TO FORM:

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FRANK D. KATZ, CITY ATTORNEY