

**VILLAGE OF LOS RANCHOS
de ALBUQUERQUE**

Ordinance No. 211

AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT ACCORDING TO EPA, NATIONAL POLLUTANT DISCHARGE ELEMINATION SYSTEM (NPDES) REQUIREMENTS WITHIN THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE,

Be it ordained by the governing body of the Village of Los Ranchos de Albuquerque, hereafter "the Village":

Whereas, the Clean Water Act 1987, Public Law 92-500, 33 U.S.C. 1251 et. seq. provides statutory authority for the National Pollutant Discharge Elimination System (NPDES) program, and

Whereas, the National Pollutant Discharge Elimination System designated the Village of Los Ranchos de Albuquerque a Municipal Separate Storm Sewer System operator (SM4), and

Whereas, 40 CFR 122.2 of the National Pollutant Discharge Elimination System requires each Municipal Separate Storm Sewer System operator to adopt an Ordinance regulating and controlling the discharge of pollutants to the waters of the United States, and

Whereas, the Village of Los Ranchos de Albuquerque does own a system of conveyance which is designed and used for collecting or conveying storm water that discharges to waters of the United States, and

Whereas, the governing body finds it necessary, desirable and in the best interest of the Village and its residents to control the discharge of pollutants to waters of the United States, and

Whereas, the governing body finds the health, safety, and welfare of the Village residents is promoted by enacting regulations to identify and address the causes of pollution, and

Whereas, the governing body has submitted an application of Notice of Intent (NOI) to notify the Environmental Protection Agency as the permitting authority of the Village's intention to be covered by a general permit to discharge to the waters of the United States on April 1, 2007, and

Whereas, the governing body has caused to be prepared a Stormwater Management Plan for the Village, and

Whereas, the governing body has conducted two public meetings for review and discussion of the Stormwater Management Plan on February 7, 2007 and March 7, 2007, and has placed newspaper publications on February 1, 2007, and March 1, 2007; posted notice on the Village's website and on the Village Bulletin Boards; and

caused notices to be placed in the February and March issues of the "Village Vision" and

Whereas, the governing body has placed newspaper publication for notice of review of the Ordinance on June 8, 2007; posted notice on the Village's website and on the Village Bulletin Board; and caused the Ordinance to be available for public review for a sixty day period from June 8, 2007 to August 8, 2007; and caused two public hearings to be held for introduction and adoption of the Ordinance on July 11, 2007 and August 8, 2007;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES THE GOVERNING BODY OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO AS FOLLOWS:

SECTION 1 DEFINITIONS

- 1) **Best Management Practices (BMPs):** Activities or structural improvements that help reduce the quantity and improve the quality of storm water runoff. Best management practices are schedules of activities, prohibitions or practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures and practices to control runoff, spillage, or leaks; sludge, waste disposal, or drainage from raw material storage. With regard to construction, these practices may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water.
- 2) **Clean Water Act (Water Quality Act):** (formerly the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972). Public law 92-500; 33 U.S.C. 1251 et. seq.; legislation which provides statutory authority for the NPDES program. Also known as the Federal Water Pollution Control Act.
- 3) **Comprehensive plan:** means the Village of Los Ranchos Comprehensive Plan and amendments thereto.
- 4) **Conceptual grading and drainage plan:** means a plan prepared in graphical format showing existing and proposed grading, drainage, control, flood control and erosion control information in sufficient detail to determine project feasibility.
- 5) **Conveyance:** The process of water moving from one place to another.
- 6) **Director:** The Director of Planning and Zoning, the official designated to enforce the comprehensive zoning ordinance, as may be amended from time to time.
- 7) **Discharge:** The volume of water (and suspended sediment if surface water) that passes a given location within a given period of time.
- 8) **Design storm:** means 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.
- 9) **Developed land:** means any lot or parcel of land occupied by any structure intended for human occupation, including structures intended for commercial enterprise.

- 10) **Developer:** means 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, excavating, or construction of structures or facilities.
- 11) **Drainage:** means storm drainage.
- 12) **Drainage management or treatment:** means the treatment and/or management of surface runoff from all storms up to and including a ten-year design storm.
- 13) **Drainage plan:** means a short, detailed plan prepared in graphical format with or on a detailed grading plan addressing onsite and off-site drainage control, flood control, and erosion control issues for lots or parcels of less than five acres.
- 14) **Drainage report:** means a comprehensive analysis of the drainage, flood control, and erosion control constraints on and impact resulting from a proposed platting, development or construction project.
- 15) **EPA:** means United States Environmental Protection Agency.
- 16) **Erosion control:** means treatment measures for the prevention of damages due to soil movement and to deposition.
- 17) **Erosion control plan:** means a plan for the mitigation of damages due to soil erosion and to deposition.
- 18) **Excavation:** The process of removing earth, stone, or other materials from land.
- 19) **Flood control:** means the treatment measures necessary to protect life and property from the 100-year design storm runoff.
- 20) **Flood hazard area:** means an area subject to inundation from the 100-year design storm runoff.
- 21) **General Permit:** A permit issued under the NPDES program to cover a certain class or category of storm water discharges. These permits reduce the administrative burden of permitting storm water discharges.
- 22) **Grading:** The cutting and/or filling of the land surface to a desired slope or elevation.
- 23) **Grading plan:** means a plan describing the existing topography and proposed grading, including retaining wall locations and details, interfaces with adjacent properties, streets, alleys and channels, referenced to mean sea level (1929 or 1988 datum) such as city benchmark or NMDOT benchmark, and showing sufficient contours, spot elevations and cross sections to allow a clear understanding by reviewers, contractors, and inspectors.
- 24) **Illicit Connection:** Any discharge to a municipal separate storm sewer that is not composed entirely of storm water and is not authorized by an NPDES permit, with some exceptions (e.g., discharges due to fire fighting activities).
- 25) **Maintenance:** means the cleaning, shaping, grading, repair and minor replacement of drainage, flood control and erosion control facilities, but not including the cost of power consumed in the normal operation of pump stations.
- 26) **Maximum Extent Practicable (MEP):** A standard for water quality that applies to all MS4 operators regulated under the NPDES Storm Water Program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop and implement their programs.
- 27) **Municipal Separate Storm Sewer System (MS4):** A publicly owned conveyance or system of conveyances that discharges to waters of the U.S. and is designed or used for collecting or conveying storm water, is not a combined sewer, and is not part of a publicly-owned treatment works (POTW).

- 28) **Non-point Source (NPS) Pollutants:** Pollutants from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water.
- 29) **Notice of Intent (NOI):** Notice of Intent.
- 30) **NPDES:** "National Pollutant Discharge Elimination System" the name of the surface water quality program authorized by Congress as part of the 1987 Clean Water Act. This is EPA's program to control the discharge of pollutants to waters of the United States (see 40 CFR 122.2). Phase II.
- 31) **Nuisance waters:** means those waters leaving a site and entering a public right of way.
- 32) **100-year design storm:** means that storm whose precipitation within a six-hour period and resulting runoff has a one percent chance of being equaled or exceeded in any given year. A special condition may require/allow use of storms of longer duration.
- 33) **Outfall:** The point where wastewater or drainage discharges from a sewer pipe, ditch, or other conveyance to a receiving body of water.
- 34) **Physically interconnected MS4:** This means that one MS4 is connected to a second MS4 in such a way that it allows for direct discharges into the second system.
- 35) **Point Source Pollutant:** Pollutants from a single, identifiable source such as a factory or refinery.
- 36) **Pollutant Loading:** The total quantity of pollutants in storm water runoff.
- 37) **Regulated MS4:** Any MS4 covered by the NPDES Storm Water Program (regulated small, medium, or large MS4s).
- 38) **Retrofit:** The modification of storm water management systems through the construction and/or enhancement of wet ponds, wetland plantings, or other BMPs designed to improve water quality.
- 39) **Runoff:** Drainage or flood discharge that leaves an area as surface flow or as pipeline flow. Has reached a channel or pipeline by either surface or sub-surface routes.
- 40) **Sediment:** Soil, sand, and minerals washed from land into water, usually after rain. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.
- 41) **Site Runoff:** Any drainage or flood discharge that is released from a specified area.
- 42) **Small Municipal Separate Storm Sewer System (MS4):** Any MS4 that is not regulated under Phase I of the NPDES Storm Water Program and Federally-owned MS4s.
- 43) **Storm Drain:** A slotted opening leading to an underground pipe or an open ditch for carrying surface runoff.
- 44) **Storm drainage system:** means arroyos, storm drains, roadways, culverts, bar ditches, ponds, pump stations, dams, detention ponds, retention ponds, inlets, and appurtenant structures and other facilities which convey stormwater.
- 45) **Storm Water:** Precipitation that accumulates in natural and/or constructed storage and storm water systems during and immediately following a storm event.

- 46) **Storm Water Management:** Functions associated with planning, designing, constructing, maintaining, financing, and regulating the facilities (both constructed and natural) that collect, store, control, and/or convey storm water.
- 47) **Storm Water Pollution Prevention Plan (SWPPP):** A plan to describe a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff.
- 48) **Stormwater quality control:** means the treatment methods necessary to protect and enhance the quality of stormwater.
- 49) **Surface Water:** Water that remains on the surface of the ground, including rivers, lakes, reservoirs, streams, wetlands, impoundments, seas, estuaries, etc.
- 50) **Ten-year design storm:** means that storm whose precipitation within a six hour period and resulting runoff has a ten percent chance of being equaled or exceeded in any given year. A special condition may require/allow use of storms of longer duration.
- 51) **Total Maximum Daily Load (TMDL):** The maximum amount of pollutants which can be released into a water body without adversely affecting the water quality.
- 52) **Urban Runoff:** Storm water from urban areas, which tends to contain heavy concentrations of pollutants from urban activities.
- 53) **Wet Weather Flows:** Water entering storm drains during rainstorms/wet weather events.

SECTION II GENERAL REGULATIONS

A. The Village shall, under direction of the Director of Planning and Zoning, develop, implement, and enforce, according to EPA standards, a Stormwater Management Plan designed to reduce the discharge of pollutants from a small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy applicable surface water quality standards.

1. STORM DRAINAGE

- (a) Prevent the creation of public safety hazards and seek to eliminate existing problems.
- (b) Prevent, to the extent feasible, the discharge of storm runoff from public facilities onto private property.
- (c) Prevent the increased risk of damage to private property caused by storm runoff from other private property.
- (d) Coordinate with the M.R.G.C.D., A.M.A.F.C.A., Bernalillo County and the City of Albuquerque the discharge of storm runoff into M.R.G.C.D. and A.M.A.F.C.A facilities and minimize impact on downstream facilities.
- (e) Provide for timely and effective construction and maintenance of storm drainage facilities.
- (f) Design storm drainage facilities, which provide effective storm drainage and flood control.
- (g) Improve the quality of storm runoff.

2. EROSION CONTROL

- (a) Protect the hydraulic capacity of flood control and storm drainage facilities from losses due to sedimentation and degradation.
- (b) Preserve public health, safety, and convenience from jeopardy due to erosion and sedimentation in private and public facilities of all types.
- (c) Preserve the quality of surface runoff.

SECTION III ILLICIT DISCHARGE

A. NON-STORM WATER DISCHARGE. It is prohibited to discharge into the storm sewer system any form of pollutant, including but not limited to:

- 1. Automotive oils, gasoline, grease, fluids, or other waste products;
- 2. Floatables – such as plastic bags, fast food wrappers, Styrofoam cups, soft drink cans, or cups, etc.;
- 3. Plant refuse – weeds, tree trimmings, leaves, etc.;
- 4. Water line flushing;
- 5. Landscape irrigation or sprinkler run off;
- 6. Fertilizers, pesticides, or poisons;
- 7. Diverted stream or ditch flows;
- 8. Uncontaminated pumped groundwater;
- 9. Discharges from potable water sources;
- 10. Foundation drains;
- 11. Open space or agricultural irrigation water;
- 12. Car washing between Mullen and Schulte on 4th Street or where water flows into storm sewer outlets;
- 13. Flows from riparian habitats and wetlands;
- 14. De-chlorinated swimming pool discharges;
- 15. Toxic spills;
- 16. Street wash water;
- 17. Animal waste;
- 18. Grease from cooking, commercial and residential;
- 19. Household cleaning products.

B. ILLEGAL DUMPING It is prohibited for any person or persons to deposit trash, household items, yard debris, appliances, or any such items on Village of Los Ranchos owned or controlled property.

- 1. All possible investigative means may be utilized to determine the person or persons responsible for illegal dumping.

C. GROUNDWATER CONTAMINATION Any activity which contributes to ground water contamination through the burying of animal waste, dead animals, and garbage or toxic chemicals is expressly prohibited.

- 1. All possible investigative means may be utilized to determine the person or persons responsible for groundwater contamination.

SECTION IV STORMWATER DISCHARGE

A. NEW CONSTRUCTION

1. All construction, development, and redevelopment projects with land disturbances equal to or greater than one acre, including sites, which disturb less than one acre, but are part of a larger common plan of development, must, at the time of application to the Village, submit:
 - (a) A Notice of Intent permit issued by EPA.
 - (b) A Stormwater Pollution Prevention Plan (SWPPP) including Best Management Practices to prevent stormwater discharge in accordance with EPA NPDES Phase II regulations for construction site storm water runoff control.
2. The stormwater pollution prevention plan shall outline the BMPs to be undertaken by the operator/owner of the project to protect storm water quality during the construction phase of the project.
 - (a) These BMPs shall be maintained by the owner of the property. Inspection of these BMPs shall be made at a minimum once a week by the owner and a log of this inspection shall be kept on-site for review by the Village. The Village shall also inspect these BMPs on a periodic basis. These BMPs shall be subject to the approval of the Planning and Zoning Department.
3. Construction and development sites must control and properly dispose of construction wastes, trash, chemicals, etc.

B. POST CONSTRUCTION

1. All development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development and all construction of additions to buildings or of outbuildings over 50% of existing Floor Area Ratio, must submit a Grading and Drainage Plan with a Certified Engineer's stamp showing on-site water retention ponding volumes.
2. For all development and redevelopment projects with land disturbances equal to or greater than one acre, including sites which disturb less than one acre but are part of a larger common plan of development, and all construction of additions to buildings or of outbuildings over 50% of existing Floor Area Ratio within the Village, post construction water quality BMPs are required. This requirement is in addition to any other

requirements that may apply. These BMPs shall be subject to the approval of the Planning and Zoning Department.

3. Contractors or developers must complete the on-site water retention ponding, berming, banking, ditching, or underground retention system prior to receipt of Certificate of Occupancy or in case of subdivisions, sales of lots to the public.
4. Maintenance responsibility of stormwater control is the responsibility of the property owner up to the point where stormwater enters public facilities.
5. Where a site development, building permit, a major or minor subdivision, or a replat alters the elevation or location of any designated 100-year floodplain, as shown on current FEMA flood insurance rate maps, the developer shall be required to provide to the Village all necessary data needed to effect the flood boundary revision or amendment. Any required fees for processing shall be the responsibility of the developer.
6. Site development and major or minor subdivisions or replats shall be designed and constructed such that non-stormwater discharges into storm sewers, ditches, or watercourses will not occur.

C. STORM WATER DISCHARGE FROM INDIVIDUAL PARCELS

1. The discharge of nuisance waters from private property to public streets is prohibited. Arterial and collector streets shall be protected from damages to the surface and from the safety hazard created by surface flow of nuisance waters across them.
 - (a) Parking lots, yards, open fields, landscaped areas, developed and undeveloped lots shall be bermed, banked, ponded, ditched, or otherwise contoured for on-site water retention to prevent stormwater runoff onto Village streets and roads or ditches.

SECTION V ADMINISTRATION

- A. The design, construction, and maintenance of all drainage control, flood control, erosion control, and stormwater quality control facilities within the Village shall be performed in accordance with procedures, criteria and standards formulated by the Director of Planning and Zoning and in accordance with the policies established in this Ordinance.
- B. All construction activities within the jurisdiction of the Village shall conform to the requirements of the Ordinance with respect to drainage control, flood control, erosion control and stormwater quality control.

1. Construction, grading or paving on any lot within the Village shall not increase the damage potential to adjacent properties or public facilities. Damages shall be defined as those caused by flooding, erosion, and sedimentation from the 100-year design storm and all smaller storms.
 2. Any grading shall provide for erosion control and the safe passages of the ten-year design storm runoff during the construction phase and until the permanent improvements are completed.
 3. Grading, cut, fill or importation of material in excess of 500 cubic yards or grading of any area of one acre or more, or any grading which will adversely affect other properties, ditches, watercourses or easements shall conform to drainage control, flood control, erosion control and stormwater quality control policies and to standards, criteria and procedures established by the Village with respect to drainage, flood control, erosion control, and stormwater quality control.
- C. The Village may participate with the private sector, other public bodies, and agencies operating within the jurisdiction of this Ordinance in order to accomplish the goals and implement the policies adopted herein. This includes, but shall not be limited to, the development and adoption of master plans, participation in the construction of projects, and exercising control through the planning, platting, zoning, and permitting processes.
- D. It shall be the responsibility of the Director of Planning and Zoning to produce, approve, make and retain records of all drainage plans, drainage reports, design analyses, design drawings, as-built drawings, and maintenance schedules related to all drainage control, flood control, erosion control, and stormwater quality control facilities constructed within the Village.
- E. Application for all land use changes shall address drainage control, flood control, and erosion control in terms of the interaction of these parameters with other requirements and needs produced by the proposed land use changes, and shall comply with an adopted drainage management plan.
- F. Requests for building permits, site plan approval, or the platting of land for the purpose of major or minor subdivisions, and for replats, shall be accompanied by appropriate grading, drainage control, flood control, erosion control, and stormwater quality control information.
1. Grading and Drainage plan. Drainage plans are prepared with or on the detailed grading plan and address both on-site and off-site drainage control, flood control and erosion control issues.
 2. Drainage report. A drainage report is a comprehensive analysis of the drainage control, flood control, and erosion control constraints on and impacts resulting from a proposed platting, development, or construction project. Drainage reports are required for major subdivisions containing

more than five lots or constituting five acres or more, platting or construction within a designated flood hazard area.

3. Erosion control plan. An erosion control plan is usually incorporated into the drainage plan or drainage report. Erosion control plans address all phases of each project from initial grading, through, and including final occupancy. The ten-year design storm shall be used to determine the treatment measures necessary for the prevention of damage due to soil movement for the on-site area of development.
- G. All drainage submittals shall be prepared under the direction of and signed by a registered professional engineer competent in surface hydrology and drainage, and shall include a statement that the engineer has personally inspected the land, and a statement as to whether it appears that grading, filling, or excavation has occurred thereon since the existing contour map was prepared.
- H. Submitted plans will be checked by the Village designated engineer and the applicant shall bear the cost per Resolution No. 2003-6-2.
- I. Drainage control considerations specifically address safety, convenience, and economics for both private property and public facilities.

SECTION VI INSPECTIONS

- A. Whenever necessary to make an inspection to enforce any of the provisions of this article, the Director of Planning and Zoning or his authorized representative may enter such premises at any reasonable time to inspect the premises or to perform any duty imposed upon him; provided, however, that if such premises is occupied, he shall first present proper credentials and demand entry. If such premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and demand entry.
- B. If entry is refused or if the owner or other responsible person is not found, the Director or his authorized representative shall proceed according to Ordinance 183, Chapter 31, Section 23, (3).

SECTION VII VIOLATIONS, NONCOMPLIANCE, PENALTY

- A. If the Director finds that any of the conditions of this Ordinance are being violated, he shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within seventy two (72) hours from the date of notification, or in case of severe overflow violation, immediate remedy.

- B.** Where, after investigation, a notice has been issued by the Director or his authorized representative to the owner, tenant, agent, occupant, or person in charge of the premises on which a violation has occurred and the order is not complied with, within the designated time, or if the responsible party or violator cannot be found or determined, the Director may cause such remedies as are necessary to be made. The reasonable cost of such remedies shall constitute a lien against the property on which the violation occurred and was remedied. The lien shall be imposed and foreclosed in the manner provided in NMSA 1978, Sections 3-36-1--3-36-6.
- C.** For prohibited dumping or groundwater contamination, or a second violation of this Ordinance, the Director or designated representative is hereby authorized to issue citations for violation of this Ordinance. Such citations shall order the alleged violator to appear on a date certain in Village Municipal Court at the next regularly scheduled Court session or any special setting the Judge may designate. Violators will be prosecuted to the full extent of the law.
- D.** Where, after investigation, a notice has been issued by the Director to the owner, tenant, agent, occupant, or person in charge of the premises of the property on which a violation has occurred and the order is not complied with, within such reasonable time as may be prescribed by the Director, the Village may revoke or refuse to renew or issue any permit to the violator and/or the property owner until such remedies, as are necessary, are made, or if remedy is made by the Village, until the cost of such remedies is paid to the Village.
- E.** It shall be sufficient notice under the provisions of this section to make delivery of such notices in person or by registered mail. If the name and address of the owner cannot be reasonably ascertained from the current county tax rolls and the premises are unoccupied, it shall be sufficient notice under this section to publish the notice in English in a newspaper of general circulation once a week for four consecutive weeks. The owner of the property shall have the right to appeal pursuant to Chapter 31, Section 24, § (H) of the Codified Ordinances of the Village of Los Ranchos.

SECTION VIII ADDITIONAL PERMITS

The issuance of a permit by the Village does not relieve the owner/developer from obtaining any additional grading or fill permits that may be required by Bernalillo County, the State of New Mexico, M.R.G.C.D., A.M.A.F.C.A., Bernalillo County, City of Albuquerque, ABCWUA, agencies, or governmental bodies having jurisdiction over these areas of the Village by State Law, Joint Powers Agreements, or Memorandums of Understanding.

SECTION IX APPEALS

- A. An appeal of a determination of the Director may be made in the manner prescribed in Chapter 31, Section 24, § (H) of the Codified Ordinances of the Village of Los Ranchos.

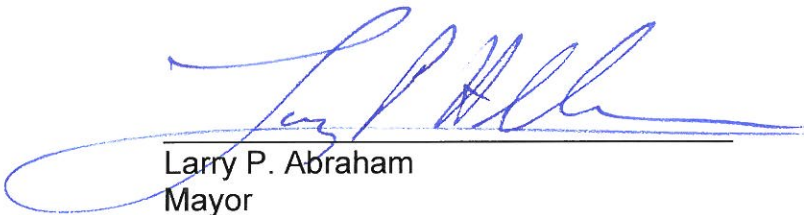
SECTION X SEVERABILITY

Any section, subsection, sentence, clause or phrase of this Ordinance or the Code that is held to be unconstitutional or invalid shall not affect the validity of the remaining portions of this Ordinance or the Code, since the Board of Trustees expressly intended to pass each section, subsection, sentence, clause, phrase, and part of this Ordinance or the Code separately and independently of every other part.

SECTION XI COMPILING CLAUSE

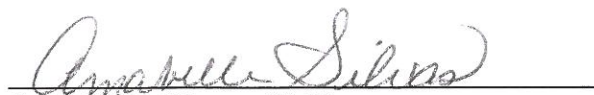
This Ordinance shall be incorporated and compiled as part of the Codified Municipal Code of the Village of Los Ranchos.

APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 8th day of August, 2007.



Larry P. Abraham
Mayor

ATTEST:



Annabelle Silvas, CMC
Clerk