



New requirements on tap for town utilities

Proposed regs could impact hundreds

By Matthew van Buren

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The Taos Town Council is contemplating changes to an ordinance requiring residents to hook up to town utility lines.

At a May 22 meeting, councilors appeared supportive of requiring people to hook up to municipal sewer lines, but the question of ordering property owners to hook up to the municipal water system may prove more complicated.

Town Planning Director Bill Morris discussed the proposed changes to the town code, which focus primarily on mandatory hookup distances and time frames, as well as required decommissioning of wells once water lines are extended to new areas. He said the draft changes were meant to be a “starting point” for the council but that more defined distances and deadlines will help the town enforce its ordinance in a more systematic way.

The proposed changes the council examined May 22 would require property owners to connect to town water within three years of a line being brought 300 feet or closer to their properties. Under the current ordinance, existing water wells within town limits may remain in use “until such time as such well needs to be replaced.”

Morris said the firm distances and deadlines in the proposed ordinance would add triggers that are more predictable and measurable by the town. He said, under the ordinance as initially drafted, about 400 properties in town would be required to hook up to town water.

“There’s a lot of them out there,” he said. “That’s really what it comes down to.”

Mayor Darren Córdova began the discussion May 22 by saying the required water hookups have elicited concern from members of the public. He said the town should solicit more public input before voting on the proposed changes.

“This isn’t a fire we need to put out by tomorrow,” he said.

Water hookups

Councilors’ concerns centered on properties the town annexed but to which it did not bring water service in a timely manner. Councilor Rudy Abeyta was outspoken in his opposition to making such property owners shoulder the costs associated with hooking up to town water and decommissioning their wells after they, out of necessity, spent thousands to drill domestic wells.

“It’s just not right,” he said.

According to a cost estimate Morris presented, residents could spend as much as \$13,100 to hook up to town water: \$2,310 for water rights, if necessary, a \$788 connection fee, and \$5,000-10,000 for a connection into the structure and decommissioning of the private well. The draft ordinance would allow property owners to appeal an order to connect to the water system by seeking a “hardship” determination if they could not afford the connection.

Abeyta also said ordering people to decommission their private wells may not be legal.

“That has become a property right,” he said. “I think it’s a private property taking.”

Councilor Michael Silva said he agreed with Abeyta “wholeheartedly,” and Còrdova expressed agreement, as well.

Several members of the public spoke in favor of keeping their private wells in operation, either for residential or agricultural use.

Resident Bob Draper urged the council to separate the requirement to hook up to city water from the question of forced decommissioning of wells. He said the water rights associated with his wells are a “valuable property right.” He said forced decommissioning would be “a taking of a significant magnitude.” He likened his water rights to a mining claim.

Draper also indicated that the 300-foot requirement could be problematic, as it may require that a line be run across a neighboring property if a water line is within 300 feet on the other side. He suggested the town refine the 300-foot language. Silva also suggested the 300-foot requirement refer to the building to be hooked up rather than the property line.

Resident Lillian Trujillo said she is already connected to town water, but she uses a 65-year-old well to irrigate her garden. She said she has been looking into a new casing for her well, but she does not want to make that investment if she could be required to decommission it. Còrdova told Trujillo she shouldn’t worry.

“I don’t think that’s where we’re headed (based on the councilors’ comments),” he said.

The council gave staff 90 days to refine the language and develop different scenarios, such as looking at whether people are in already serviced areas, newly annexed areas or areas within town limits that are still waiting for the infrastructure to be brought to them.

Sewer hookups

There were few questions about requiring sewer connections.

The council seemed to be in agreement that requiring residents to promptly hook into the town sewer system is a necessary step to protect water quality.

Abeyta said everyone has an obligation to protect the aquifer.

“It’s a completely different story,” he said.

According to the ordinance as initially drafted, property owners would have three years after sewer service is available within 300 feet to connect to it.

“Properties with existing structures which have been annexed into the town of Taos within one year of the effective date of this ordinance shall be required to hook up to available sewer within 10 years of the recordation of the annexation,” the draft states. “Vacant parcels which have been annexed into the town of Taos shall be required to connect to sewer service at the time of construction if located within 300 feet of a service line.”

The ordinance as proposed would also require the decommissioning of septic tanks, vaults or cesspools “as prescribed by the state Environment Department.”

Silva said tanks must be pumped dry and filled in with sand or other material, but not removed altogether. He estimated decommissioning a septic tank costs around \$500. According to Morris’ estimates, a sewer connection could end up costing a property owner between \$5,500-10,500, including a \$500 connection fee and between \$5,000-10,000 to connect to the structure and decommission the septic tank.

When he addressed the council, Draper suggested the town take gravity into consideration when requiring residents to connect to the sewer system.

■ mvanburen@taosnews.com