

ORDINANCE 1182

**AN ORDINANCE AMENDING SECTION 13.08.070 INSTALLATION AND
CONNECTION OF TOILET FACILITIES TO SEWER SERVICE LINE
RESPONSIBILITY AND BACKFLOW PREVENTION PERTAINING TO PUBLIC
SERVICES FOR SEWER USE WITH THE CITY OF TUCUMCARI**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TUCUMCARI,
NEW MEXICO THAT:**

**SECTION 13.08.070 - SEWER SERVICE LINE RESPONSIBILITY AND BACKFLOW
PREVENTION.**

A. Definitions:

1. Private Sewer Service Line – Portion of the sewer line located on private property running from the building plumbing to the point of connection with the public sewer main;
2. Public Sewer Service Line – Portion of the sewer line located within the public right of way or easement from the property line to the City sewer main;
3. Backflow Prevention Device – A device installed on a building sewer line designed to prevent reverse of the normal flow of water or other substances. Such devices must be installed in accordance with all applicable codes and standards of practice.

B. Property Owner Responsibility

The property owner shall be responsible for and bear all repair costs and liability for the following:

1. Installation, maintenance, repair, and replacement of the private sewer service line located on private property;
2. Installation and maintenance of an approved backflow prevention device where required by the City.
3. Sewer backups and discharges causing damage to neighboring property if traced to the owner's private sewer lateral or plumbing. "Private sewer lateral" is defined as the privately owned and maintained pipe that conveys wastewater from a building's plumbing system to the City sewer main, including all portions extending through private property.

C. City Responsibility

The City shall be responsible for the installation, maintenance, repair, and replacement of the following:

1. All public sewer mains and sewer lines located within public rights of way.
2. The City is not strictly liable for sewer failures. Liability exists only if immunity is waived under the New Mexico Tort Claims Act or other applicable law.

D. Backflow Prevention Requirements

1. All new construction projects shall be required to install an approved backflow prevention device.
2. The backflow prevention device shall be installed at the property owner's expense and maintained in proper working condition by the property owner.

3. Failure to properly maintain a required backflow prevention device may result in denial of claims for sewer backup damage.

E. Costs

1. The City shall bear all costs associated with public sewer infrastructure;
2. The property owner shall bear all costs associated with private sewer service lines and backflow prevention devices.

F. Liability

The property owner shall be responsible for damages caused by the failure of private sewer service lines or lack of proper backflow prevention.

All requirements contained in this Ordinance will be considered a part of the contract of every User utilizing the sewage disposal system. Every User shall be considered as having expressly consented to be bound thereby.

Repealer: All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part hereof, hereto repealed.

Passed, Adopted and Approved this 25 day of April, 2026.


Marcella Willis, Mayor

Attest:


Angelica M. Gray, City Clerk

