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HOUSE BILL 206

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

DELORES C. WRIGHT

AN ACT

RELATING TO THE ENVIRONMENT; ESTABLISHING STANDARDS FOR USE OF  
SEPTIC SYSTEMS; REQUIRING NOTIFICATION TO PROSPECTIVE BUYERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. ACREAGE STANDARD FOR SEPTIC SYSTEMS--  
NOTIFICATION OF BUYERS. --

A. The installation and use of domestic septic systems on a tract of real property having an area of one-half acre or more, but less than three-quarters of an acre, is permitted if the person applying for a permit for the domestic septic system can demonstrate to the department of environment before the tract is occupied that:

- (1) all domestic water that will be used on the tract is obtained from an off-site community water system;
- (2) depth to ground water at the site proposed

Underscored material = new  
[bracketed material] = delete

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[bracketed material] = delete

1 for the domestic septic system is greater than three hundred  
2 forty feet;

3 (3) a soil percolation test indicates that use  
4 of a domestic septic system on the tract will not result in  
5 contamination of area ground water;

6 (4) the occupancy of the tract will be limited  
7 to one single-family residence; and

8 (5) the domestic septic system tank and  
9 drainage field will be located no less than twenty-five feet  
10 from any boundary line of the tract.

11 B. The seller of any tract of real property having  
12 an area of one-half acre or more, but less than three-quarters  
13 of an acre, and having no connection to a city sewer or  
14 community liquid waste disposal system available to it, shall  
15 notify the buyer in writing prior to closing the sale of the  
16 requirements of Subsection A of this section that must be  
17 complied with if installation of a domestic septic system on the  
18 tract is to be permitted.

19 C. Failure of a seller to give the notification  
20 required pursuant to Subsection B of this section is a  
21 misdemeanor and upon conviction he shall be sentenced pursuant  
22 to the provisions of Section 31-19-1 NMSA 1978.