

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

ORDINANCE NO. 2014- 10

**AN ORDINANCE ADOPTING THE SOLID WASTE AND RECYCLING
MANAGEMENT ORDINANCE AND REPEALING ORDINANCE NOS. 2010-5, 2012-7,
2013-3, AND 2014-6**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNT:**

Section 1. Short Title

 This Ordinance may be cited as the "Solid Waste and Recycling Management Ordinance."

Section 2. Purpose

 The purposes of this Ordinance are to:

- A. Establish a system of storage, collection, and disposal of all refuse generated in the County;
- B. Establish a schedule of fees for a storage, collection and disposal system as well as penalties for the violation of this Ordinance;
- C. Provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its residents;
- D. Create mandatory roadside solid waste collection districts and to establish the procedures for curbside and roadside solid waste collection; and
- E. Promote, to the greatest extent possible, waste reduction and the reuse and recycling of materials to further resource conservation and minimize landfill disposal.

Section 3. Authority

 This Ordinance is enacted pursuant to the authority granted to counties in (i): NMSA 1978, Section 4-37-1 to, among other things, provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County or its inhabitants; and (ii) NMSA 1978, Sections 4-56-1 through 4-56-3 to establish, maintain, manage, and supervise a system of storage, collection and disposal of refuse.

Section 4. Definitions

 The following words shall have the following meanings in this Ordinance, unless the context clearly indicates or requires a different meaning.

The words "shall" or "must" are mandatory and not discretionary; the words "may" or "should" are permissive.

"Asbestos Waste" means the friable solid waste that contains more than one percent asbestos by weight and that can, when dry, be crumbled, pulverized or reduced to powder by hand pressure.

"Ashes" means the solid residue from the burning of wood, coal, coke or other combustible material.

"Authorized Reuse Area" means a posted area provided at a Convenience Center in which persons may leave unwanted reusable materials.

"Bagged Wastes" means garbage, refuse, rubbish, solid wastes, and pet wastes that are placed in a flexible container (bag) with a single opening that is closed and tied in a manner so as to prevent spillage or escape of the materials during transport and prior to delivery to a Convenience Center.

"Board of County Commissioners" means the Board of County Commissioners of the County of Santa Fe.

"Brush and Tree Waste". See Land Clearing Debris.

"Caja del Rio Landfill" means the disposal site permitted by the New Mexico Environment Department and operated by the Santa Fe Solid Waste Management Agency, an entity jointly created by the governments of the City of Santa Fe and the County of Santa Fe.

"Caretaker" means a solid waste facility attendant.

"Clean Fill" means broken concrete and asphalt pavement pieces not larger than 18" x 12" x 6", brick, stone, rock, and uncontaminated soil. Clean Fill must be free of other Solid Wastes or Hazardous Waste, and the use of this material must not create a public nuisance or adversely affect the environment in which it is placed.

"Clean Wood Waste" means pallets, unpainted and untreated scrap wood, and carpenter trimmings that do not exceed 6 feet in length or 1.5-feet in width and that do not contain nails. Clean Wood Waste does not include construction and demolition wood with attached wallboard, paint, metal bracing, or Brush and Tree Waste.

"Commercial Solid Waste" means all types of solid waste generated by hotels, stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, sites containing four or more Dwelling Units, churches, schools, recognized educational institutions or other non-Residential Solid Waste generators.

"Commercial Solid Waste Contractor" means persons possessing a valid Santa Fe County business license or permit retained and paid to perform services that generates Solid

Waste and/or that involves the processing, removal and transport of Solid Wastes, including, but not limited to, Construction and Demolition Debris and Land Clearing Debris, from dwelling units, commercial establishments, pueblos, or industries, but for whom waste collection and transportation is auxiliary to the principal services they provide (e.g., remodeling contractors, "handymen", roofers, construction firms, carpet installers, gardeners, tree services, and land-clearing contractors). The term does not include an individual transporting solid waste generated on or from his own, personal residential premises for the purpose of disposing of it in a NMED approved solid waste facility.

"Commercial Solid Waste Hauler" means any person possessing a valid Santa Fe County business license or permit whose primary service is to collect solid wastes or recyclable materials from single or multiple residential dwellings, commercial or business locations, industries or other generators of solid wastes and transport/haul them for the purpose of disposal or recycling.

"Composting" means the biological decomposition of green waste and other organic solid waste under controlled conditions to create a soil amendment product for beneficial use as a source of nutrients, organic matter, erosion control, or other essential constituent for a soil or plant.

"Construction and Demolition Debris" or "C&D Debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of structures, utilities, and roads. C & D debris is generally considered water insoluble and nonhazardous, and includes, but is not limited to: bricks, concrete, and other masonry materials, asphalt, roofing materials, steel, glass, pipe, gypsum wallboard and lumber. Construction and Demolition Debris does not include asbestos, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, furniture, appliances, tires, drums, containers greater than ten gallons in size, any containers having more than one inch of residue remaining on the bottom, fuel tanks, brush and tree remains or other vegetative material from land clearing, uncontaminated soil, rocks, or liquids, including, but not limited to, waste paints, solvents, sealers, adhesives or potentially hazardous materials.

"Convenience Center" means a County Solid Waste Facility that collects Solid Waste or Recycling Materials from Residential Solid Waste and Commercial Waste generators and consolidates Solid Waste and/or Recycling Materials in large containers or vehicles for transfer to another Solid Waste facility for disposal or additional processing.

"Corrugated Cardboard" or "Old Corrugated Cardboard" or "OCC" means wood pulp based Kraft paper material that has two, usually smooth, exterior layers and one wavy corrugated interior core, which is used to make cardboard boxes, shipping containers, and packing liners. Corrugated Cardboard always has a corrugated middle layer and may have shiny printing on the outside. OCC does not include wax-coated cardboard, boxboard, cardboard with permanently attached packing materials, cardboard contaminated with food or oils, or single layer boxboard (e.g., cereal, shoe, gift, food boxes, and beer cartons).

"County" means the area within the exterior boundaries of the County of Santa Fe, New Mexico, including privately owned lands or lands owned by the United States or the State of New Mexico.

"County Manager" means the County Manager of the County of Santa Fe.

"County Resident" means any person residing within the County as defined herein.

"Dispose" or "Disposal" means the abandonment, discharge, deposit, placement, injection, dumping, spilling, or leaking of any unwanted or unusable solid waste into or on any land or water.

"Dwelling" or "Dwelling Unit" means a structure, including, but not limited to, a mobile home, or portion thereof that (i) has bathroom and kitchen facilities permanently installed and (ii) is used or intended to be used by a person or persons for residential purposes. In the case of an apartment complex, each Dwelling within the complex that is or can be separately leased for residential purposes constitutes a separate Dwelling Unit.

"Electronic Waste" or "E-Waste" means relatively expensive and essentially durable electronic products used for data processing, telecommunications or entertainment by private households and businesses, including, but not limited to, computers and related equipment and peripherals, monitors, plotters, scanners, copiers, fax machines, entertainment electronics, VCRs, stereos, CD players, mobile phones, personal digital assistants, and game consoles. Electronic Waste does not include televisions, electric fixtures, small or large household appliances (e.g., washers and dryers), coffeemakers, microwaves, toasters, or electric and electronic tools.

"Fee" or "Fees" means the fees assessed for the use of Convenience Centers, in accordance with the fee schedules specified herein.

"Garbage" means putrescible solid waste resulting from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals, including, but not limited to, animal and vegetable wastes, swill, carrion, and slops. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

"Generator" means any person whose act or process produces a solid waste or whose act first causes solid waste to be subject to regulation.

"Green Waste" means yard waste, lawn clippings, leaves and tree trimmings.

"Hazardous Waste" means (i) any solid, semi-solid or liquid waste resulting from industrial, commercial, mining or agricultural operations or from community activities or other discarded material that by reason of its quality, concentration, composition or physical or chemical characteristics may do any of the following: cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible

illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed; (ii) any solid, semisolid or liquid waste so designated by the rules and regulations promulgated pursuant to this ordinance; (iii) any solid, semi-solid or liquid waste that meets any of the Resource Conservation Recovery Act (RCRA) hazardous waste criteria (i.e., ignitable, corrosive, reactive or toxic) or specifically listed in 40 CFR 261 and that is not excluded from regulation as a hazardous waste in 40 CFR 261.4 (b), (iv) any solid, semi-solid or liquid waste that is identified as "Hazardous Waste" in the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., (v) any solid, semi-solid or liquid waste that meets the definition of or is identified as a "Hazardous Substance" in the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. Section 9601 et seq., as each such law and regulation may be amended from time to time. Hazardous Waste also means any solid, semisolid, or liquid waste that, because of its properties, is considered Hazardous Waste and is required to be disposed of at an appropriately permitted Hazardous Waste facility under any analogous or succeeding federal, state, or local law, rule or regulation or by any governmental agency or unit having appropriate jurisdiction.

"Hot Waste" means any waste that is hot to the touch, on fire, smoldering or that may ignite once placed with other solid wastes at a Solid Waste Facility. Also see the definition of **"Ashes"**.

"Household Waste" means any solid waste, garbage derived and discarded from Dwelling Units, hotels, motels, public and private campgrounds, picnic grounds, and day-use recreation areas.

"Household Hazardous Waste" or ("**HHW**") means a wide range of household products that have the characteristics of Hazardous Waste including but not limited to, pesticides and herbicides, oil based paints, liquid latex paints, stains and varnishes, automobile fluids (e.g., antifreeze, motor oil, transmission, steering and brake fluids, gasoline), batteries (automotive and household), pool chemicals, hobby chemicals, darkroom chemicals. Federal law specifically exempts Household Hazardous Waste from regulation as Hazardous Waste because of the point of generation. Because of the hazards posed by HHW, it shall not be placed with other Solid Waste for disposal. See **"Special Waste"**.

"Household Medical Waste" means Household Waste that, but for its point of generation, would be a regulated Medical Waste. (e.g., used sharps, including hypodermic needles, bloody/soiled bandages and dressings, disposable sheets and clothing, medical gloves, dialysis machine filters, etc.).

"Illegal Dumping" means disposal of any solid waste, recyclable material, at any location other than at an approved Solid Waste Facility.

"Industrial Solid Waste" means solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of Resource Conservation and Recovery Act (RCRA). Such waste may include, but is not limited to, waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather

products; nonferrous metals manufacturing/foundries; organic chemicals, plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Infectious Waste" or "Regulated Medical Waste" means any solid waste that is generated in the diagnosis, treatment (e.g., provision of medical or veterinary services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The term does not include any "Hazardous Waste." Includes biological products (e.g. vaccines, cultures), blood products, body fluids, infectious wastes, or materials soiled with these products from hospitals, clinics, nursing homes, health maintenance organizations, doctor and dentist offices, blood plasma centers, laboratories, veterinary practices or as specified in 20.9 NMAC. Includes a limited class of substances that carry a probable risk of transmitting disease to humans, including but not limited to:

1. Microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;
2. Pathological wastes, including human or animal tissues, organs and body parts removed during surgery, autopsy or biopsy;
3. Disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases;
4. Human blood and blood products, including waste blood, blood serum, and plasma;
5. Used sharps, including used hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and
6. Contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals.

"Kraft Paper" and "Brown Paper Bags" means wood pulp based unbleached or bleached papers of high strength used for packaging, including brown paper bags.

"Land Clearing Debris" means vegetative matter resulting from activities such as land clearing and grubbing, utility line maintenance, seasonal, storm, fire or disease related cleanup of trees, and brush, from residential or commercial property or vacant land that do not exceed 18 inches in diameter and 6 feet in length, and any wood chips generated from such vegetative matter.

"Large Load" means a load of Solid Waste having a volume greater than 15 cubic yards..

"Litter" means solid waste or debris along public or private roadways, rights-of-way, trails, or paths that (i) was intentionally or unintentionally dropped or deposited by persons or (ii) fell from uncovered loads or from vehicles transporting Solid Wastes, Land Clearing Debris, Construction and Demolition Debris or other materials.

"Littering" means the act of causing Litter.

"Mixed Papers" means newspapers as delivered, magazines, glossy catalogs, glossy paper, office paper, and junk mail or any combination of these materials.

"Municipality" means any incorporated city, town or village within the County, whether incorporated under general act, special act or special charter, and incorporated counties.

"NMED" means the New Mexico Environment Department.

"Non-County Resident" means any person who is not a County resident as defined herein.

"Open Burning" means the combustion of solid waste without:

1. Control of combustion air to maintain adequate temperature for efficient combustion;
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or
3. Control of the emission of the combustion products, such that combustion products are released directly or indirectly into the open air.

"Operator" means the person (s) responsible for the overall operation of all or any portion of a Solid Waste Facility.

"Owner" means the owner of real property, whether or not the owner resides on the property.

"Permit" means a document, certificate, sticker and/or permit card issued by Santa Fe County authorizing a person to use county operated Convenience Centers for disposal of solid waste.

"Person" means a natural person or a firm, partnership, association, joint venture, corporation, estate, trust, company, or any other legal entity of any kind or their representative(s), agent(s), or assign(s).

"Premises" means an improved or unimproved parcel of land together with all appurtenances and structures thereon, whether intended for residential or commercial use, located within the County and outside the corporate limits of an incorporated area.

"Prohibited Load" means a load (i) that includes Prohibited Material as defined herein; (ii) from sources not authorized to use County Convenience Centers; (iii) from unauthorized commercial solid waste contractors; or (iv) that contains any other prescribed items as determined by Santa Fe County.

"Prohibited Materials" means solid wastes that (i) are considered Special Waste under New Mexico Solid Waste Management Regulations 20.9 NMAC; (ii) can cause operational problems, damage to equipment, pose health risks to workers, and/or can have an adverse impact on the environment, or (iii) any other solid waste that Santa Fe County determines is unacceptable for disposal, recycling or reuse at Convenience Centers, as Santa Fe County may specify from time to time in written policies or on signs posted at the Convenience Centers. Prohibited Materials include, but are not limited to, the following types of solid waste:

Ammunition or any items that have the ability to explode or cause injury when run over by heavy equipment and/or when exposed to an ignition source.

Animal wastes -horse, cattle and other large animal manures, including animal bedding mixed with large amounts of animal wastes.

Asbestos Wastes.

Automobiles and large automobile parts, automobile or equipment lead-acid batteries, automobile parts containing or that contained fluids or liquids (e.g., gasoline tanks). Does not include tire rims that have been removed from tires.

Clean Fill.

Construction and Demolition Debris, including large pieces and large loads of concrete, roofing materials, asphalt or rock. Such items must be delivered to Caja del Rio landfill.

Dead Animals: whole dead animals must be delivered to Caja del Rio landfill.

Explosives, including fireworks or other items that have the ability to explode or ignite when exposed to an ignition source.

Hazardous Waste.

Hot Waste and Ashes.

Industrial Wastes.

Infectious Waste -Regulated Medical Waste.

Intact Bulk Containers

Lead Acid Batteries

Liquids, including sewage, septage, and large quantities of frying fats.

Petroleum or Chemically Contaminated Soils.

Pressurized Cylinders.

Radioactive Waste.

Sewage, Septage and Holding Tank Pumpings.

Sludges.

Any other Item as specified by Federal, State or local law or regulation or as determined by the County Manager.

"Public Place" means any land owned by the community (or open to common use), such as streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, spaces, grounds and buildings.

"Putrescible Waste" means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for disease vectors and/or causing offensive odors. Includes but is not limited to food, spoiled meat, pet wastes, and soiled diapers. Wood is not considered to be putrescible.

"Recognized Educational Institution" means any governmental or private educational institution located in the County.

"Recover" means any act or process by which recyclables or reusables are separated from the solid waste stream for reuse or remanufacture.

"Recyclable Material" means material that would otherwise be solid waste but that can be collected, separated and/or processed, treated, reclaimed, and placed back in use in the form of raw materials, or that can beneficially be used or reused. The County Manager shall maintain and update, as necessary, an official list of recyclable materials based on the County's ability to process, market and otherwise recover said materials. The most up-to-date Recyclable Materials List shall be posted on the County's web site, at a visible location or locations at the Convenience Centers, and periodically provided to Convenience Center users as part of a "How to Recycle" informational hand-out.

"Recycling" means any process by which Recyclable Materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

"Refuse" means anything putrescible or nonputrescible that is discarded or rejected as useless or worthless. See Solid Waste.

"Regulated Appliances" means any device which contains and uses a Class I or Class II substance as a refrigerant and which is used for household or commercial purposes as defined in 42 U.S.C. 7671a and regulations promulgated thereunder; including all air conditioners, refrigerators, chillers, or freezers, except such devices that are designed and used exclusively for military purposes, or as specified in U.S. EPA Clean Air Act (CAA) Section 608, and 40 CFR, Subpart F. The Federal Clean Air Act prohibits the venting or release of Freon, CFC and hydrochlorofluorocarbon (HCFC) refrigerant gases, from discarded appliances when they are disposed or recycled.

"Residential Solid Waste" means solid waste and recyclable material generated from a site that contains three or less Dwelling Units.

"Responsible Party" means the legal owner(s) of any premises located within the County, whether vacant, improved, or unimproved, on which Solid Waste is generated or found.

"Renter" or "Tenant" means a County Resident or other person who does not own the land, dwelling or structure in which they reside or conduct business, where such land, dwelling, or structure is located within the County.

"Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

"Reuse Area" means a designated, marked area at a Convenience Center for the placement of unwanted materials that can reasonably be expected that another person could take and Reuse. Removing reusable items from the Reuse Area is authorized and is not Scavenging. Not all stations may have Reuse Areas.

"Rubbish". See Solid Waste.

"Scavenging" means the unauthorized searching through and/or taking of anything from discarded solid wastes or Recyclable Materials located within any area of a Convenience Center; provided, however, that the taking of items from a Reuse Area is authorized and does not constitute Scavenging.

"Scrap Tire" means any tire that is no longer suitable for its originally intended purpose because of wear, damage or defect. A scrap tire does not include a tire with a rim.

"Scrap Metal" means used or unwanted metal appliances (e.g., stoves, dryers, dishwashers, washing machines, water heaters), pieces or sheets of metal, metal toys, poles, bicycle frames, strapping wires, clean metal drums with bottoms removed, metal doors, or scrap aluminum. Scrap Metal does not include plastic appliances, microwaves, televisions, automobiles and automobile parts, E-Waste, electrical wire, or Regulated Appliances.

"Secured Load" or "Covered Load" means any load covered in such a manner as to prevent (i) the covering or the load from becoming loose or detached; (ii) the creation of Litter; and (iii) the load from dropping, shifting, leaking or otherwise escaping.

"Septage" means the contents of a septic tank, cesspool or other residue from an individual or public owned sewage treatment facility.

"Single Trip Permit" means a permit purchased for a single trip to a Convenience Center. Up to 15 cubic yards of Solid Waste may be disposed using a Single Trip Permit.

"Sludge" means any solid, semisolid, or liquid waste resulting from the treatment of wastewaters, excluding treated liquid effluent generated from publicly or privately owned and operated municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control device.

"Solid Waste" means all putrescible and non-putrescible materials generated or originating from residential, commercial, industrial, mining, or community activities or from agricultural operations that are discarded or rejected, whether (i) as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, (ii) as having served their intended use, or (iii) for any other reason. Materials that are stored and managed to facilitate their disposal, or are discarded from one use but are accumulated for reuse elsewhere unless

specifically excluded by Federal or State regulation or variance. Solid Waste includes, but is not limited to, garbage, waste food, trash, rubbish, refuse, construction and demolition debris, and other solid or semi-solid materials. Solid Waste does not include untreated domestic sewage or radioactive waste.

"Solid Waste Facility" means a facility that accepts solid waste from the public and that is permitted or registered by the NMED (if required) and appropriately zoned and approved by the Board of County Commissioners (if required). Solid Waste Facilities include Convenience Centers, transfer stations, and landfills.

"Source Separation" means the segregation of recyclables and other recoverable materials from non-recyclable solid waste at the point of generation for separate placement in bins or receptacles at a Solid Waste Facility and/or for donations, sale or other disposition. Source Separation includes the separation of recyclables from each other if required by Santa Fe County policy. The residue remaining after recyclables are removed from the waste stream is not considered source-separated material.

"Special Wastes" means solid wastes that (i) require special handling, preparation, and/or transportation before disposal to ensure proper operation of Convenience Center facilities and/or (ii) have specific regulatory requirements to ensure protection of the environment and the public health, welfare and safety. Special Wastes include, but are not limited to, the following:

1. Ashes;
2. Construction and Demolition Debris;
3. Clean Fill;
4. Clean Wood Waste;
5. Electronic Waste (E-Waste), which is generally not accepted at Convenience Centers except on special collection days;
6. Household Hazardous Waste (HHW);
7. Household Medical Waste;
8. Land Clearing Debris;
9. Motor Oil;
10. Pet Wastes;
11. Regulated Appliances;
12. Tires;
13. Scrap Metal;
14. Any other material that Santa Fe County may designate from time-to-time in written policies or on signs posted at Solid Waste Facilities.

"Storage" means the accumulation of Solid Waste for the purpose of processing or disposal.

"Transfer" means the handling and storage of solid waste for reshipment, resale, or disposal, or for waste reduction or resource conservation.

"Tribal Resident" means any person residing on federal trust lands within the interior boundaries of Santa Fe County and within the boundaries of a federally recognized Indian pueblo or tribe.

"Trip Punch" means the unit by which a 6 and 12 Trip Punch Permit holder's use of Convenience Centers to discard Solid Waste and Recyclable Materials is measured and charged against their Permit. A single journey to a Convenience Center is not necessarily a single Trip Punch. Rather, the number of Trips a single journey to a Convenience Center equals depends upon the volume of Solid Waste being discarded. The following single journeys to a Convenience Center equals the number of Trips indicated:

Load Volume in Cubic Yards	Number of Trip Punches
Five (5) or less.	1
More than five (5) but not more than ten (10).	2
More than ten (10) but not more than fifteen (15).	3

In addition, regardless of the total volume of the delivered load, the disposal of up to 4 tires requires the use of one additional Trip Punch and the disposal of 5 to 8 tires requires 2 additional Trip Punches.

"White Goods" means large metal appliances, washers, dryers, microwaves, and dishwashers.

"Yard Waste" means vegetative matter resulting from landscaping and/or land clearing.

Section 5. Administration

(A) The County Manager or his/her designee is responsible for the administration of Solid Waste Management Ordinance.

(B) The County Manager may delegate any or all of the administrative functions, powers and duties specified herein to other appropriate Santa Fe County divisions and departments as deemed necessary to carry out the requirements of the ordinance.

(C) The County Manager shall establish rules and regulations to carry out the intent and purpose of the Ordinance, shall establish policies and procedures for operations, the billing and collection of service fees, administrative enforcement actions and appeals and grievances.

(D) The County Manager shall recommend fees to the Board of County Commissioners. Fees other than those provided for in this Ordinance or changes to the fees provided for in this Ordinance shall be adopted by amending this Ordinance. The County Manager shall establish policies and procedures for billing and collection of service fees. (E) The County Manager shall have the authority to delay or refuse the use of Convenience Center services and collection services for failure to comply with this Ordinance or the rules and regulations promulgated pursuant to it. The County Manager may take legal action to collect fees owed Santa Fe County pursuant to this Ordinance.

(F) The County Manager may initiate studies for the need, location, and operation of facilities to recover material or energy from Solid Waste or improved or additional collection services and to implement programs to achieve resource recovery and other studies which will benefit management of Solid Waste in Santa Fe County.

(G) This Ordinance empowers the County Manager to address special wastes, encourage recycling and waste minimization, and maintain quality standards and educational support of comprehensive solid waste management.

(H) Upon the recommendation of the County Manager and approval of the Board of County Commissioners by Ordinance, the County may regulate the activities of Commercial Solid Waste Haulers, including, but not limited to, by imposing Solid Waste and recycling reporting requirements, licensing requirements, establishment of exclusive and non-exclusive service areas, and service area fees.

(I) In the event of an emergency condition, the County Manager may waive or modify the requirements of this Ordinance without regard to any procedures or guidelines promulgated under this Ordinance. In that event, the County Manager shall immediately notify the Board of County Commissioners of the requirements of the Ordinance that were waived or modified as well as the circumstances and duration of the emergency condition.

(J) The County Manager shall establish grievance policies and procedures.

Section 6. Solid Waste Collection Authorization

(A) Authority to Collect, Transport and Dispose of Solid Waste. Except as otherwise provided herein, all Solid Waste accumulated in areas indicated on Exhibit A shall be collected, conveyed, and disposed of by the County or any of its authorized contractors in accordance with this Ordinance and state and federal regulations to the extent authorized by law. The exclusive authority of the County to collect, convey and dispose of Solid Waste does not extend to nonresidential recyclables, dead animals, construction and demolition debris, hazardous waste and other such materials which the County is prohibited by law from collecting or disposing. The mandatory collection shall go into effect as indicated by the Board of County Commissioners when it establishes the fees for that service. No person shall collect, convey on any of the streets or alleys of the County, or dispose of any solid waste accumulated in the County, except as herein provided. The County Manager shall have the authority to establish procedures concerning the days of collections, type and location of collection, conveyance, and disposal as necessary and to change and revoke same. Except as otherwise provided herein, all Solid Waste accumulated in the County outside of the areas indicated on Exhibit A shall be collected and conveyed to an approved disposal site by the Solid Waste generator, authorized Commercial Solid Waste Contractor or Commercial Solid Waste Hauler in accordance with this Ordinance and State and Federal regulations. Approved disposal sites include Caja del Rio land facility, County Convenience Centers or other NMED Solid Waste Facilities.

(B) Handling of Solid Waste By Others. Section (A) of this Section shall not prohibit the actual producers of solid waste or the owners of premises upon which solid waste has

accumulated from personally collecting, conveying and disposing of such solid waste. The producers or owners shall comply with the provisions herein, and with any other applicable law or ordinances which regulate the disposal of solid waste, and shall pay all applicable collection fees, whether the solid waste collection service is utilized or not.

(C) **Interference With Collection.** It shall be unlawful for any person to interfere with County employees or authorized County contracted collection service employees, while in the performance of their duties, as authorized by this Ordinance and any applicable regulations.

Section 7(A). Preparation Requirements for Solid Waste Not Collected Curbside or Roadside

(A) **Separation of Solid Waste.** In order to be accepted at County Convenience Centers, garbage, ashes, constructions and demolition debris, land clearing debris, scrap metal tires, waste oil, and recyclable materials shall be separated and prepared in accordance with this ordinance and policies posted on the County's website and at the County's Convenience Centers.

(B) **Residential Solid Waste.** Residential Solid Waste shall be bagged and shall be free of liquids. Burned Residential Solid Waste shall not be accepted. Large Loads of Residential Solid Waste shall not be accepted.

(C) **Land Clearing Debris and Clean Wood Waste** shall be cut to a length of six feet or less, and shall not have a diameter greater than 18 inches. Stumps shall not be delivered to the County Convenience Centers. Land Clearing Debris and Clean Wood Waste must be delivered to designated Convenience Centers and unloaded in accordance with posted rules and regulations.

(D) **Scrap Tires.** Used vehicle tires shall be accepted from private residents only. Rims must be removed prior to delivery. Each household shall be permitted to dispose of (8) tires per month. Under no circumstances will tires with rims attached be accepted.

(E) **Recyclable Material.** All recyclable materials must be appropriately prepared and placed in recycling bins, areas or tanks as posted at County Convenience Centers or instructed by County Convenience Center personnel. Placing recyclable material in refuse bins or areas destined for landfill disposal is prohibited.

(F) **E-Waste.** E-Waste shall be source separated from other Solid Waste. E-Waste may only be delivered at special E-Waste collection events, or taken to a County identified E-Waste reuse or recycling facility.

(G) **Household Hazardous Waste.** Household Hazardous Waste should be used up according to label instructions. Household Hazardous Wastes are not accepted at Convenience Centers. Rather, Household Hazardous Wastes must be source separated from other Solid Waste, stored in the original containers, and taken to a Household Hazardous Waste collection facility.

(H) **Household Medical Waste.** Household Medical Waste may be placed in with residential Solid Waste. Used sharps (e.g., hypodermic needles) must be placed in an approved sharps container or a thick-walled strong plastic bottle with a tight fitting lid (e.g., a laundry soap bottle) prior to disposal with bagged Residential Solid Waste. Used sharps may not be placed in soda bottles, milk jugs, or other thinned walled containers. Under no circumstances shall used sharps be placed in recyclable bottles in the recyclable bin, as they can cause injury to workers.

(I) **Scrap Metal/White Goods.** Residential white goods such as washers, dryers, dishwashers, etc., are considered recyclable materials. White good and scrap metals shall not be placed in with Solid Waste for disposal. These items will be accepted as a no charge item at all Convenience Centers that are identified as accepting scrap metal. Regulated Appliances are not white goods.

(J) **Regulated Appliances.** Shall be accepted at no charge if Freon or other coolant has been removed prior to delivery and the appropriate CFC removal verification sticker is attached. Regulated appliances that do not have an affixed CFC removal verification sticker will not be accepted.

(K) **Motor Oil.** Motor Oil shall not be mixed with other Solid Wastes. Motor oil shall be delivered in leak-proof containers with secure lids and placed in a storage area or in collection containers a directed by a caretaker. Motor oil shall be collected from private residents only. A maximum of five (5) gallons of motor oil will be accepted per visit.

(L) **Ashes.** Hot ashes will not be accepted at County Convenience Centers. Cold ashes are those that are held at least 24 hours prior to delivery to a County Convenience Center, and shall be accepted. Cold ashes shall not be placed in with other Solid Waste for disposal, but, rather shall be placed in a designated ash container as directed by a caretaker.

(M) **Prohibited Materials.** Prohibited materials shall not be delivered to any County Convenience Center.

(N) **Large Loads.** Large Loads will not be accepted at Convenience Centers.

(O) **Covered Loads.** All loads delivered to Solid Waste Facilities shall be covered or secured. Failure to cover or secure loads will subject the violator to an additional charge and/or citation.

Section 7(B). Preparation Requirements for Solid Waste Collected Curbside or Roadside

(A) **Separation of Solid Waste.** Garbage, ashes, recyclable materials, and other materials as directed, shall each be placed and maintained in separate containers.

(B) **Preparation of Solid Waste.** All garbage shall be free of liquids before being placed in garbage containers for collection.

(C) Duty to Maintain Containers in Sanitary Condition. Solid waste containers shall be maintained in good condition. Any container that does not conform to the provisions of this Ordinance shall be promptly replaced or collection may be denied. The County shall not be responsible for damage to enclosures or containers that are not designed or constructed in accordance with standards adopted by the County Manager or any contractor responsible for solid waste collection on behalf of the County. Service may be suspended if enclosures or containers are in a state of disrepair which may cause unsafe conditions for the individuals collecting the solid waste.

(D) Collection of Ashes and Hot Waste. For at least 24 hours prior to the scheduled time of collection, ashes shall be cold. Cold ashes may then be placed at the collection point at the specified time and in appropriate containers so as not to ignite or smolder.

(E) Commercial Solid Waste Containers.

(1) Commercial establishments, multiple-family dwellings and multiple single-family residential units utilizing a single container shall be required to furnish appropriate containers.

(2) No person shall deposit ashes, hot waste or other materials susceptible to spontaneous ignition into any combustible container, or place the same within ten feet of any combustible materials, except containment in metal or other noncombustible containers. Placement of containers shall comply with the New Mexico Fire Code or other applicable codes.

(F) Residential Solid Waste Containers

(1) Solid Waste shall be enclosed in commercially available plastic bags or containers for residential collection. The containers must conform to contractor collection specifications, or to specifications promulgated by the County Manager. All containers must be tightly secured so as to prevent solid waste from being scattered, blown or spilled. Sharp or extremely heavy materials will be placed in disposable containers other than plastic bags. Tree trimmings and similar solid waste suitable for bundling will be tied in bundles not to exceed 4 feet in length, 2 feet in diameter and 40 pounds in weight. Plastic bags shall be of sufficient strength so as not to tear with normal handling at maximum capacity. Recyclables shall be separated from other Solid Waste. Bags shall not exceed 50 pounds. Containers shall not exceed 200 pounds. Broken glass, cactus plants and other sharp objects shall be picked up only if placed in separate non-plastic bags or containers and labeled accordingly. Needles shall be placed in a puncture proof container with a screw top lid. Tree limbs and plant cuttings shall be tied in bundles no longer than 4 feet and shall not exceed 40 pounds.

(2) Residents shall keep all Solid Waste within private property away from public view until such time as it is placed curbside or roadside for pickup. Residential Solid Waste in bags shall only be placed curbside or roadside for collection between 6:00 a.m. and 8:00 a.m. on the day of scheduled pick up, and if in a container, shall be placed out for collection no later than 8:00 a.m. on the regularly scheduled day but no sooner than 5:00 p.m. the evening prior to collection.

(3) Residential Solid Waste, when served by curbside or roadside collection, shall be placed as close to the curb or roadway as possible and in a location clear from vehicular traffic, and shall not prohibit pedestrian movement. Solid waste shall be clearly visible and accessible for collection, and free from any obstructions (including but not limited to trees, shrubbery, walls, fences, and vehicles). Containers must be a minimum of 3 feet from any other object, including refuse bags, so that collection equipment does not get damaged and collection employees do not get injured. The County Manager shall have the authority to designate the Solid Waste collection sites. Failure to ensure accessibility to the containers may result in collection being discontinued until such time as accessibility issues are addressed by the resident.

(4) Residents who fail to comply with these requirements shall be responsible for storing their Solid Waste until their next regular collection day, or disposing of it at an approved disposal facility.

(5) Bags of Solid Waste shall be securely tied to avoid spillage. Cleaning of any spillage that occurs, even within public right-of-way, as a result of improperly bagged or secured solid waste or due to entry by animals shall be the responsibility of the resident.

(G) Prohibited Materials. Residents are prohibited from placing for collection at the curbside or roadside: solid waste listed as special waste by the New Mexico Solid Waste Management Regulations (20 NMAC 9.1 700-711); items that can cause operational problems or damage to equipment; items that pose health risks to workers or adverse impacts on the environment; furniture; mattresses; large tree limbs; tires; engine parts; large household appliances; unbundled trees or other large items.

(H) Modified curbside and roadside collection shall be available for residents with disabilities, including entry onto the property or into residential units to remove containers of Solid Waste from porches, portals and garages. Residents with disabilities which restrict the resident's ability to place solid waste at the curbside or roadside are eligible for modified service. Procedures for obtaining modified service shall be established by the County Manager.

Section 8. Ownership of Solid Waste

Until such time as the Solid Waste is taken to a Convenience Center or an NMED approved Solid Waste Facility or removed by a licensed private contractor, all Solid Waste generated within the County is owned by and is the responsibility of the licensed private contractor or, should the licensed private contractor fail to remove the Solid Waste from the Responsible Party's property, the Responsible Party. A licensed private contractor who removes Solid Waste from a property shall take ownership of the Solid Waste until it is taken to a Convenience Center or an NMED approved Solid Waste Facility. The licensed private contractor of the refuse or Responsible Party shall certify that the refuse complies with environmental regulations for household or commercial waste. In the event the refuse is determined to be hazardous or not appropriate for disposal at a Convenience Center, the County

reserves the right to assess the licensed private contractor or Responsible Party with the costs of processing and disposal of the refuse.

Section 9. Collection of Solid Waste

(A) **Collection Points.** Santa Fe County will establish and maintain Solid Waste and recycling Convenience Centers at such places with such hours as it may determine to be expedient from time to time. At the time of passage of this Ordinance, Santa Fe County maintains the collection centers described below:

<i>Convenience Center</i>	<i>Location</i>	<i>Community</i>
Nambe	NM 503	Chimayo/Nambe
Jacona	NM 502	Pojoaque/Jacona
Tesuque	NM 592	Tesuque/Chupadero
San Marcos	CR 42	Cerrillos/Galisteo
Eldorado	US 285	Eldorado/Hondo
Stanley	CR 17A	Stanley/Edgewood
La Cienega	CR 54B	La Cienega/La Cieneguilla
Rancho Viejo Recycling Center	Avenida Del Sur	Rancho Viejo

Changes in the number or location of Convenience Centers shall not require amendment to this Ordinance.

(B) Mandatory Collection Services.

(1) The Board of County Commissioners shall designate service areas of the County for phased-in service by mandatory Solid Waste collection services, including collection of recyclables. The services may include curbside and roadside collection, area Solid Waste collection on other types of collection procedures deemed appropriate for the area by the County Manager for residential collection.

(C) Frequency of Solid Waste Collection.

(1) **Residential Solid Waste Collection.** Solid waste accumulated by residences shall be collected at such times and frequency as deemed necessary by the County.

(2) **Commercial Solid Waste Collection.** Hotels, restaurants, other establishments and businesses, institutions, multiple-unit dwellings and multiple single-family dwellings receiving commercial Solid Waste collection service, as deemed necessary may enter into an agreement for greater frequency of collection.

a. The County may require more frequent collections be made where necessary to protect the public health.

b. All commercial Solid Waste containers are to be accessible between the hours of 4:00 a.m. and 8:00 p.m.

(3) No Solid Waste collection vehicles shall collect Solid Waste within 200 feet of a school site within one-half hour of school opening or closing for the day.

(D) Limitations on Quantity.

(1) **Residential Solid Waste Collection.** In areas designated for mandatory curbside or roadside collection services, the County shall collect the solid waste of each residence during a collection period for the standard charge.

(2) **Commercial Solid Waste Collection.** Any excess Solid Waste accumulation that is not contained in a container is prohibited. The Solid Waste must not exceed the container capacity and the Solid Waste container lid must be closed at all times except when disposal is occurring. Any excessive accumulation as determined by the County Manager may require a special collection at an additional fee.

(E) Special and Hazardous Waste.

(1) **Infectious Waste.** Infectious waste, including wearing apparel, bedding, Solid Waste or other infectious or contagious material from homes, hospitals nursing homes, or other places where highly infectious or contagious diseases have prevailed, shall not be placed in containers for regular collection. The producers of such solid waste shall immediately notify the County Manager who shall provide technical assistance on proper collection and disposal of such material, at the expense of the owner or resident possessor thereof.

(2) **Hazardous Waste.** Hazardous waste shall not be collected, transported, or disposed of unless in full compliance with local, state and federal regulations regarding transportation and disposal. Hazardous waste materials shall not be placed in containers for regular collection and disposal. The producers or possessors of such material shall immediately notify the County Manager who shall provide technical assistance on the proper collection and disposal of such material at the expense of the resident, owner or possessor thereof. The County further reserves the right to prohibit the disposal of hazardous waste within the unincorporated areas of Santa Fe County.

(F) Collection by Commercial Producers.

(1) **Requirements for Vehicles.** The commercial producers of Solid Waste, the owners of premises upon which such solid waste is accumulated, licensed transporters of Solid Waste, or persons who desire to dispose of waste material which is not included in the definition of Solid Waste, shall do so only in compliance with the provisions of this Ordinance. Such collection shall be accomplished through the use of a vehicle with a tightly secured cover. Such vehicles shall be operated to prevent offensive odors and Solid Waste from being blown, dropped, leaked or spilled.

(2) **Disposal.** Disposal of solid waste by persons so permitted shall be made at a solid waste facility site. If disposal of solid waste occurs in Santa Fe County, compliance with Santa Fe County land use ordinances and regulations, Santa Fe Solid Waste Management Authority regulations and policies, and other local land use policies shall occur. Santa Fe County may continue to own and operate Convenience Centers for the collection of Solid Waste. Such facilities shall be regulated by separate provisions adopted and revised from time to time by the Board of County Commissioners.

(3) **Rules and Regulations.** The County Manager shall develop rules and regulations concerning individual collection or disposal for approval by the Board of County Commissioners.

(4) **Applicable Fees.** Nothing herein shall be construed to exempt such resident, producers or owners from the fees required within mandatory service areas.

(G) Change Between Residential and Commercial Collection Service.

The County Manager shall establish guidelines for determining and allowing a change between residential and commercial Solid Waste collection service as part of the rules and regulations to be developed pursuant to this Ordinance. The guidelines shall be approved by the Board of County Commissioners.

Section 10. Prohibited Solid Waste at Convenience Centers

The following types of Solid Wastes are prohibited at any County Convenience Center. It shall be a violation of this Ordinance for any persons to deliver or attempt to deliver such Solid Wastes to a County Convenience Center:

(A) Any type of Solid Waste regulated as a "Special Waste" under 20.9 NMAC.

(B) **Regulated Medical Waste.** All Regulated Medical Wastes must be properly "red bagged" and handled by a licensed medical waste hauler. The producer shall be responsible for the proper disposal of Regulated Medical Waste.

(C) **Hazardous Waste.** Hazardous waste shall not be collected, transported or disposed of unless in full compliance with local, state, and federal regulations regarding transportation and disposal. The producers or possessors of such material shall immediately notify Santa Fe County, who shall provide technical assistance on the proper collection and disposal of such material. In do in so, however, Santa Fe County shall not assume responsibility for the proper collection disposal of such material.

(D) **Any Prohibited Material**, as defined herein.

(E) **Large Loads**, as defined herein.

Section 11. Prohibited Acts

In addition to any other act prohibited under this Ordinance, the following acts are prohibited. Violators may be cited and if convicted, punished in accordance with Section 12 of this Ordinance.

(A) **Permit Abuses.** Obtaining a permit under false pretenses, using a permit for other than its authorized purposes, the unauthorized transfer of a permit to another person, or the counterfeiting of permits.

(B) **Uncovered Loads.** Transporting and delivering uncovered/unsecured loads.

(C) **Unbagged Loads.** Transporting and delivering un-bagged wastes that are required to be bagged under this Ordinance.

(D) **Preparation Requirements.** Not properly preparing or disposing of material as specified in Section 7, "Solid Waste Preparation Requirements", of the Ordinance.

(E) **Unauthorized Locations/After Hours Disposal.** Disposal of wastes at unauthorized locations within a Convenience Center. Leaving waste at a Convenience Center after hours.

(F) **Prohibited Materials.** Delivery and disposal or the attempted delivery or disposal of Prohibited Materials.

(G) **Hazardous Waste.** Delivery and disposal or the attempted delivery or disposal of Hazardous Waste in any manner other than as provided for in the Hazardous Waste Act. NMSA 1978, 74-4-1, et seq.

(H) **Misuse of Recycling Bins/Areas.** Disposal of non-recyclable Solid Wastes, refuse, or Garbage in recycling bins or in recycling areas.

(I) **Scavenging.**

(J) **Interference with Caretakers.** Interfering with, harassing, or assaulting a Caretaker or other Santa Fe County employee work at a Convenience Center.

(K) **Illegal Dumping.**

(L) **Accumulation of C & D Debris.** Debris resulting from construction or demolition of structures may be collected within an active construction site only if the Solid Waste is contained in such a manner that it will not be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the County.

(M) **Open Burning.** Open burning of Solid Waste is prohibited within the County, provided, however that the burning of certain types of Yard Waste pursuant to a validly issued permit from the County Fire Marshall shall not constitute prohibited Open Burning.

(N) **Accumulation of Solid Waste.** It shall be unlawful to allow any Solid Waste to unreasonably collect or accumulate on any lot or other premises within the County.

(O) **Posted Policies.** Failure to follow written or posted policies and procedures concerning the disposal of Solid Waste or recycling of Recyclable Material at Convenience Centers.

(P) **Improper Disposal of Recyclable Materials.** Disposing of Recyclable Materials in refuse bins or other containers intended for landfill disposal is prohibited.

Section 12. Enforcement and Penalty Schedules

(A) The Santa Fe County Sheriff and the Sheriff's deputies, the Solid Waste Compliance Officer, and Santa Fe County Code Enforcement Officers (collectively, "Authorized Enforcement Officers") are hereby authorized to enforce this Ordinance by issuing notices of violation and citations and/or by taking administrative action, such as confiscating a permit or revoking Convenience Center privileges, when such action is authorized herein and subject to the policies and procedures promulgated hereunder.

(B) **Advisory Warning.** Prior to taking formal enforcement action via a Notice of Violation or Issuance of a Citation for violation of this Ordinance, an Authorized Enforcement Officer, at the Officer's discretion, may issue a written Advisory Warning, the purpose of which is to educate the offender of the specific requirements and purpose of the provision of this Ordinance that was violated and warn the offender that formal enforcement action may be taken for future violations. Advisory Warnings may also be issued by County staff that is not an Authorized Enforcement Officer.

(C) **Notice of Violation.** Any person who violates any provision of this Ordinance may be issued a Notice of Violation or Citation. The decision whether to issue a Notice of Violation or Citation is a matter within the discretion of the Authorized Enforcement Officer.

(D) Any person who receives a Notice of Violation shall have the period specified in the Notice of Violation to complete the acts specified and/or to achieve compliance with the requirement cited. A Notice of Violation may set forth different compliance dates for each respective violation cited or specified. Failure to remedy the violations cited or complete the acts specified within the time frames set forth in a Notice of Violation will result in the issuance of a Citation.

(E) **Citation.** An Authorized Enforcement Officer may institute a criminal prosecution for the violation of this Ordinance by issuing a citation charging the violation.

(F) **Inspection.** An Authorized Enforcement Officer may make such inspections as are reasonably necessary to the enforcement of this Ordinance. All portions of vehicles and containers used to haul, transport, or dispose of Solid Waste and recyclable materials shall be

subject to inspections to ascertain compliance with this Ordinance, as well as rules , regulations, and policies promulgated hereunder.

(G) **Burden of Proof.** In the event any person's name or other identification is affixed or found on any illegally disposed of Solid Waste, such evidence shall constitute prima facie evidence and presumptive proof of a violation of this Ordinance. In such case, the burden of proof to establish a non-violation of this Ordinance shall be on such person.

(H) Schedule of Penalties

Section Violated	1st Offense	2nd Offense	3rd and Subsequent Offenses
11(A) – Permits Abuses	Confiscation of permit and loss of privilege of the involved person(s) to use Convenience Centers for one year. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of up to \$300 and/or up to 2 days imprisonment.	Confiscation of permit and loss of privilege of the involved person(s) to use Convenience Centers for one year. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of up to \$300 and/or up to 7 days imprisonment.	Confiscation of permit and loss of privilege of the involved person(s) to use Convenience Centers for three years. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of up to \$300 and/or up to 14 days imprisonment.
11(B) – Uncovered Loads	Assessment of two (2) additional Trip Punches and/or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$200.00
11(C) - Unbagged Loads	Advisory Warning, assessment of one (1) additional Trip Punch, and/or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$25.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00.

11(D) – Preparation Requirements	Advisory Warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$200 for each violation.
11(E) – Unauthorized Locations/After Hours Disposal	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$300.00 and/or up to 30 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$200.00 nor more than \$300.00 and/or up to 60 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300.00 and/or up to 90 days imprisonment.
11(F) – Prohibited Materials	Confiscation of permit and loss of privilege to use Convenience Centers for one year. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not more than \$100 and/or up to 90 days imprisonment. Possible referral to state or federal authorities for possible additional action under state or federal law.	Confiscation of permit and loss of privilege to use Convenience Centers for two years. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not more than \$200 for each violation and/or up to 90 days imprisonment. Referral to NMED for possible additional action.	Confiscation of permit and loss of privilege to use Convenience Centers for two years. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not more than \$300 and/or up to 90 days imprisonment. Referral to NMED for possible additional action.
11(G) – Hazardous Wastes	Confiscation of permit and permanent loss of privilege to use Convenience Centers. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$5,000 and/or 90 days imprisonment.	Same as first offense.	Same as first offense.

	Referral to NMED for possible additional action under State Law.		
11(H) – Misuse of Recycling Bins/Areas	Advisory warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.
11(I) – Scavenging	Advisory warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100 for each violation.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$250.00.
11(J) – Interference with Caretakers	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$300.00 and/or 30 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$200.00 nor more than \$300.00 and/or 30 days imprisonment. In addition, the defendant shall be banned from Convenience Centers for not less than one (1) year.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300.00 and/or 90 days imprisonment. In addition, the defendant shall be permanently banned from Convenience Centers.
11(K) – Illegal Dumping	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300 nor more than \$500 and/or 60 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$500.00 nor more than \$1,000.00 and/or 60 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$500.00 nor more than \$1,000.00 and/or 90 days imprisonment.
11(L) – Accumulation of C&D Debris	Upon conviction after issuance of a citation, the criminal penalty	Upon conviction after issuance of a citation, the criminal penalty	Upon conviction after issuance of a citation, the criminal penalty

11(P) – Improper Disposal of Recyclable Materials	shall be a fine of not less than \$25.00 nor more than \$50.00. Advisory Warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$25.00.	shall be a fine of not less than \$75.00 nor more than \$100.00. Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100.	shall be a fine of not less than \$100. Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.
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A violation of this Ordinance for which penalties are not specified above shall be subject to criminal penalties of a fine of not less than \$50 nor more than \$300 and/or 30 days imprisonment.

Section 13(A). Service Fees for Use of Convenience Centers

Except for the recycling of recyclable material, disposal of solid waste at Convenience Centers requires the payment of service fees, through the purchase and use of Permits or Bag Tags. The recycling of recyclable material is free and does not require a recycling Permit. Solid waste fees are adopted herein and shall be updated and amended, as necessary, by ordinance, adopted by the Board of Commissioners. Disposal of residential and commercial solid waste is covered by the same service fees.

(A) Solid Waste Service Fees

- (1) Solid Waste Permits consist of a 12 Trip Punch Permit, 6 Trip Punch Permit, 1 Trip Permit, and Bag Tags. Permits do not expire until fully used up. Permits must be obtained and purchased in advance of use at the Convenience Centers and are non-refundable. Solid waste permit fee changes, if any, take effect January 1 of each year.
- (2) Bag Tags: Each Bag Tag is good for the disposal of up to 30 gallons of Solid Waste.
- (3) Santa Fe County residents and businesses residing outside of incorporated areas may purchase all types of solid waste permits.
- (4) Santa Fe County residents residing within incorporated areas may only purchase a 1 Trip Permit.
- (5) Low Income Discount: Convenience Center patrons with an Adjusted Gross Income less than \$24,000 on their most recent federal income tax return shall be entitled to a \$5 reduced fee for the 6 Trip Punch Permit and a \$10 reduced fee for the 12 Trip Punch Permit.
- (6) Low Income, Senior Citizen, or Veteran Discount: Convenience Center patrons shall be entitled to a \$5 reduced fee for the 6 Trip Punch Permit and a \$10 reduced fee for the 12 Trip Punch Permit if:

1. They have an Adjusted Gross Income less than \$24,000 on their most recent federal income tax return;
2. They are 65 years of age or older; or
3. They are veterans, as verified by the United States department of defense DD form 214 of release or discharge from active duty with an honorable discharge or of service-disabled veteran status by the department of veterans affairs.

In no event shall a Convenience Center patron be eligible for more than one reduced fee. For example, a Convenience Center patron who qualified for both the Senior and Veteran discount and wanted to purchase a 6 Trip Punch Permit would be entitled to a \$5 reduced fee only.

(B) Schedule of Solid Waste Permit Fees (by calendar year)

- (1) 12 Trip Punch Permit: 2015 - \$65.00, 2016- \$75.00, 2017 - \$85.00, 2018- \$110.00, 2019 - \$ 140.00
- (2) 6 Trip Punch Permit: 2015 - \$35.00 2016 - \$ 45.00, 2017 - \$55.00, 2018 - \$70.00 2019 - \$95.00
- (3) 1 Trip Permit: 2015 - \$15.00, 2016 - \$16.00, 2017 - \$17.00, 2018 - \$18.00, 2019 - \$19.00
- (4) 5 Bag Tags: 2015 - \$6.00 2016 - \$7.00, 2017- \$8.00. 2018- \$9.00, 2019 - \$10.00

Section 13(B). Service Fees for Mandatory Service Areas.

(A) Service fees for collection of Solid Waste in designated mandatory service areas shall be established and periodically updated by amendment to this Ordinance. When curbside and roadside pickup is performed by the City of Santa Fe, the fees for collection shall be those charged to the same class of customer within the City of Santa Fe, including applicable administrative fees. The resident or property owner shall be responsible for payment of fees for collection services within designated mandatory service areas. Reasonable deposits may be required of any customer when the County deems it appropriate.

(B) The Board of County Commissioners authorizes any contracted waste collection provider to bill and collect service fees if such billing is provided for in the contract for waste collection services between the County and the waste collection provider.

(C) The Board of County Commissioners may establish a low income reduced fee in designated mandatory service areas. Qualified persons must have an annualized gross income that is no greater than 80 percent of the area median family income for the County as determined from time to time by the U.S. Department of Housing and Urban Development

(D) Commercial service fees. Hotels, restaurants, other establishments and businesses, institutions, and multiple-unit dwellings and multiple single-family dwellings receiving

commercial Solid Waste collection service in a designated service area shall pay service fees based on the type and frequency of service and the volume of the Solid Waste container.

(E) Starting and stopping service; credit. All premises included in designated mandatory collection areas shall be charged solid waste collection fees except as provided herein:

(1) Previously unoccupied residences. New homes will begin receiving billing for services upon issuance of a certificate of occupancy. It shall be the duty of the builder, contractor, or agent to notify the County in writing at the time of the sale.

(2) Vacant residential premises. Residential premises which become vacant shall continue to receive charges unless said unoccupied premises meet all the following conditions:

- a. Premises are unoccupied for a period of 60 consecutive days or more;
- b. Premises is receiving residential (and not commercial) collection services;
- c. The customer's premises are vacant of all occupants for the entire period of suspension;
- d. A written request for service suspension is received by the County ten days prior to the beginning of suspension. The request shall include date of departure and expected return date.
 - i. Written request should be mailed to the County as provided by the rules and regulations established by the County Manager.
 - ii. Telephone requests will not be honored.
 - iii. If Solid Waste is found at the premises during temporary suspension of service and it is determined said Solid Waste was generated by lawful occupants of the premises, the resident or customer may be billed in arrears for the entire suspension period. All charges are on a full month basis and shall not be prorated.

(3) Vacant commercial premises. Commercial premises located in a designated mandatory collection area, which become vacant, shall continue to receive charges until proper written application to stop charges is approved by the County. The owner, tenant, lessee, manager, or occupant shall make such written application to the County Solid Waste Management Program.

(4) Credit or back charge adjustments may be made retroactive; however, such adjustments shall not exceed a period of 4 years.

(5) Any false statement made within any application or request pursuant to this article constitutes a violation of this Ordinance.

(F) Payment. All charges for Solid Waste collection services within mandatory collection areas shall be payable to Santa Fe County and will become delinquent 15 days following the date stated on the customer's utility statement.

(G) Penalty. A penalty of 18 percent per annum may be imposed on all delinquent accounts and assessed on a monthly or quarterly basis.

(H) Responsibility of payments, liens and deposits.

(1) The charges provided for herein are the personal responsibility of the owner of the property served.

(2) The County may file a lien on such property for such unpaid charges including any interest or penalties accruing on same.

(3) In the event the property is sold, the original owner shall notify the County as provided herein, the date of the transfer of title and the name and address of the new owner.

(4) Reasonable deposits may be required of any customer when the County Manager deems it appropriate.

(I) Legal remedy. The County shall have a right to proceed for collection of such unpaid charges in any manner allowed by law.

Section 14. Injunctive Relief

Where any act in violation of this Ordinance threatens the public health, welfare, or safety, Santa Fe County may seek from a court of competent jurisdiction a restraining order or injunction requiring the abatement of such violation. Such injunctive relief shall be in addition to and not in lieu of any other remedy or penalty authorized in this Ordinance or under law.

Section 15. Recovery of Damages

A person violating this Ordinance is responsible for all damage caused to Convenience Centers or Santa Fe County equipment as a result on the violation. Santa Fe County may recover such damages from the violator in a lawsuit brought in a court of competent jurisdiction or as court ordered restitution and such recovery is in addition to and not in lieu of any other remedy or penalty authorized in the Ordinance or under law.

Section 16. Effective Date

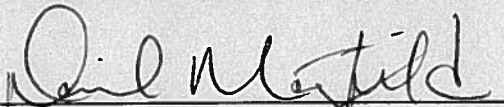
This Ordinance shall become effective on January 1, 2015.

Section 17. Repeal of Santa Fe County Ordinance Nos. 2010-5, 2012-7, 2013-3, and 2014-6


This Ordinance repeals and replaces Ordinance Nos. 2010-5, 2012-7, 2013-3, and 2014-6.

PASSED, APPROVED, AND ENACTED this 25th day of November, 2014, by the Board of County Commissioners of Santa Fe County on a roll call vote of 4-1, with Commissioners Chavez, Holian, Stefanics, and Mayfield voting for the ordinance and Commissioner Anaya voting against.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

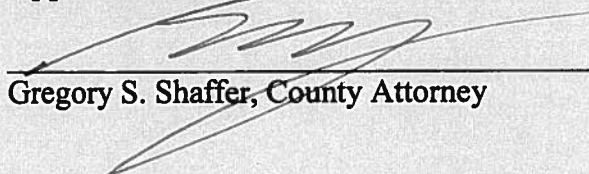
By: 
Daniel W. Mayfield, Chair

ATTEST:

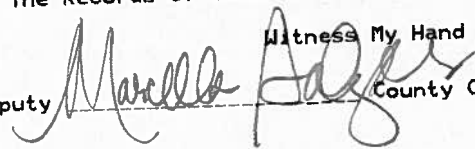

Geraldine Salazar, Santa Fe County Clerk



Approved as to form:


Gregory S. Shaffer, County Attorney



COUNTY OF SANTA FE)	BCC ORDINANCE
STATE OF NEW MEXICO) ss	PAGES: 39
I Hereby Certify That This Instrument Was Filed for Record On The 1ST Day Of December, 2014 at 01:10:32 PM And Was Duly Recorded as Instrument # 1751947 Of The Records Of Santa Fe County	
Deputy <u></u>	Witness My Hand And Seal Of Office Geraldine Salazar County Clerk, Santa Fe, NM

PROPOSED CITY ANNEXATIONS PHASE II

ROUTE NAME	ROUTE NUMBER
<i>Country Club Estates</i>	
Fairly Road	
Calle de Vencejo	
Calle Zanate	
Calle Chupa Rosa	
Calle Tangara	
<i>Jimenez Subdivision</i>	
Morning Drive	
Morning Street	
Morning Lane	
<i>Town and Country Subdivision</i>	
Camino Jalisco	
Calle VeraCruz	
Durango Drive	
<i>Rancho de la Luna Subdivision</i>	
Florence Road	
Barton	
Prince Road	
<i>Remuda Ridge Subdivision</i>	
North Chapparral	
Reata Road	
Chalan Road	
Camino Charro	
Calle Prado	
South Chapparral	
Chalan Way	
<i>Other Roads</i>	
Mutt Nelson Road	48G
Mutt Nelson Road	46G
Country Club Road	61
	61A
Jemez Road	61B
Camino de los Lopez	61E
Caja del Oro Grant	62
Mimbres Ln	64A
Rodeo Ln	64B
Agua Fria & San Felipe	66
Agua Fria Street	56A
Camino Carlos Rael	70C
Quail View Ln	104
<i>Other Roads Continued</i>	
Academy Rd	

Exhibit A

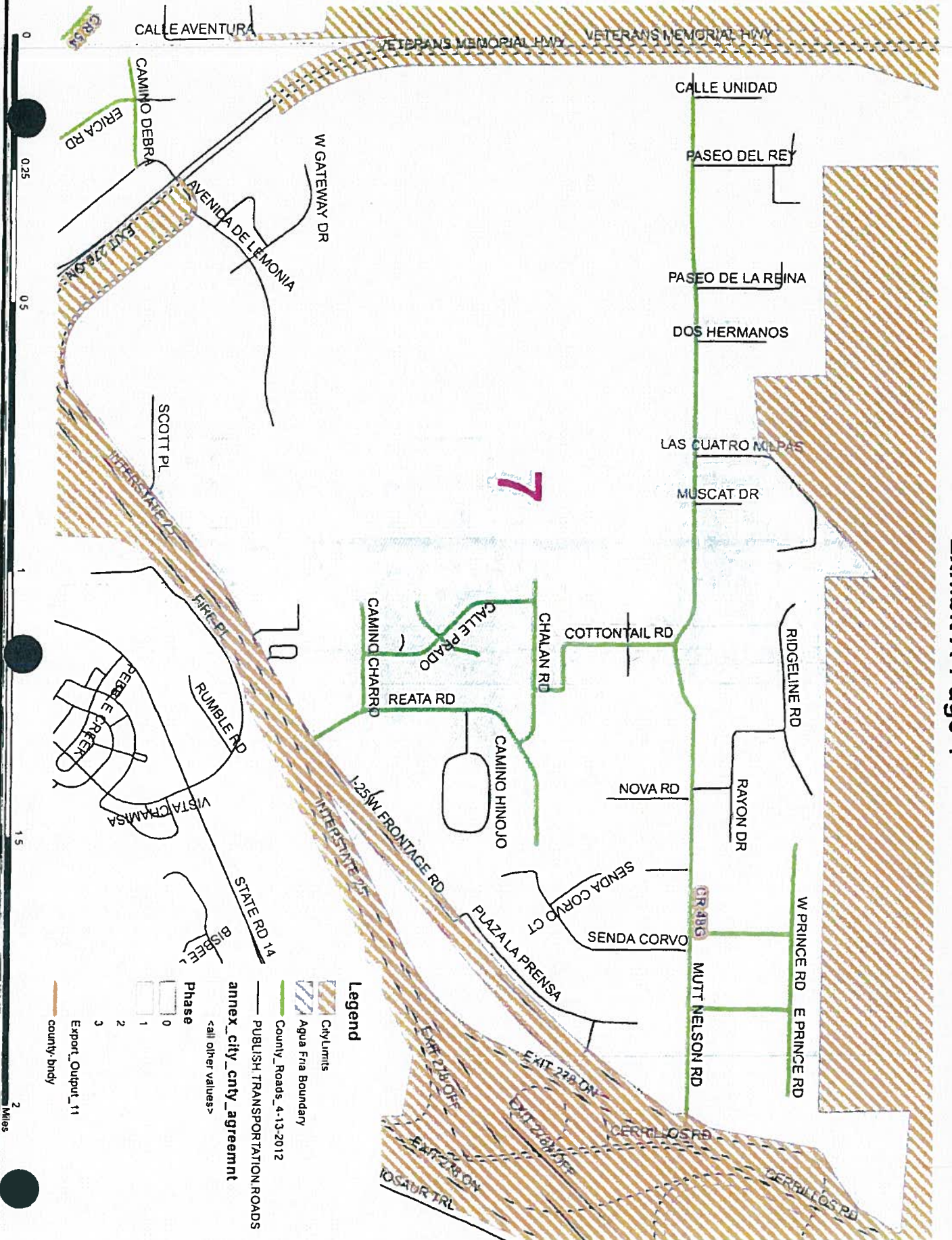
ROUTE NAME	ROUTE NUMBER
Alamo Rd	
Arapaho Rd	
Arrowhead Ct	
Arrowhead Ranch Rd	
Ash	
Ash St	
Aspen Lp	
Avenger Way	
Avenida Christina	
Avenida De Lemonia	
Avenida Juliana	
Avenida Sonrisa	
Baca Ln	
Baca Ranch Ln	
Barton Rd	
Beech	
Bella Dr	
Berch	
Birch St	
Borrego Pass	
Boylan Cir	
Boylan Country Rd	
Boylan Ln	
Brazos River Rd	
Buffalo Grass Rd	
Calle belinda	
Calle Chuparosa	
Calle Cisco	
Calle Corazon	
Calle Corazzi	
Calle Daniel	
Calle Inez	
Calle Jenah	
Calle Dryshana	
Calle Larranaga	
Calle Lazo Errante	
Calle Lema	
Calle Maes	
Calle Maria Luisa	
Calle Norte	
Calle Nueva Vista	
Calle Pico	
Calle Po Ae Pi	
Calle Prado	
Calle Tangara	
Calle Unidad	
Calle Vencejo	
Calle Zanate	
Caminito Quintana	

ROUTE NAME	ROUTE NUMBER
Camino Cementerio	
Camino Charro	
Camino De Vaca	
Camino De Viento	
Camino Hinojo	
Camino Juliana	
Camino Mio	
Camino Tierra Real	
Camino Vista Verde	
Cedar	
Charley Bendley Dr	
Cheyenne Cir	
Cole Ct	
Commerce Pl	
Constellation Dr	
Coriander Rd	
Corte Ct	
Cottonwood Dr	
Country Club Garden	
Country Club Rd	
Coyote Ln	
Cree Cir	
Cree Ct	
Crouch Ct	
Cuatro Vientos	
Cypress St	
Dail Cir	
Dominquez Ln	
Dos Hermanos	
E Gateway Dr	
E Prince Rd	
Elk Horn Rd	
Elm St	
Fair Way	
Fairly Rd	
Fields Ln	
Geo Ln	
Gooney Bird Way	
Grandpas Ranch Rd	
Green Way	
Gunnison Rd	
Hernandez Ln	
Hickory St	
Highland Way	
Jaguar Lp	
Jaramillo Ln	
Jardin Ln	
Jon Kim Ln	
Kachina Lp	
Kates Way	

Exhibit A

ROUTE NAME	ROUTE NUMBER
KSK Ln	
La Carrera	
La Jara Rd	
La Vela Rd	
Las Cuatro milpas	
Laurens Ln	
Locust St	
Lucia Ln	
Luciander Rd	
Lugar De Jose	
Luna De Miel	
Luna Y Sol	
Madison Rd	
Mallard Way	
Maple	
Maple St	
Mora Ln	
Muscat Dr	
Mucle Car Ln	
My Way	
N Platte Rd	
Nelson Lp	
New Mexican Plaza	
Nicholas Pl	
Nix Ln	
Nova Rd	
Oak	
Old Airport Rd	
Olive	
Olive St	
Oliver Rd	
Painted Pony Cir	
Panda Ln	
Paseo De La Reina	
Paseo De Margarita	
Paseo Del Rey	
Paseo Del Sol	
Paseo Feliz	
Peach	
Pine	
Placita Real Lp	
Placita Verdad	
Platte Rd	
Plaza La Prensa	
Plum	
Poplar St	
Prairie Dog Lp	
Print Farm Rd	
Pueblo Quemado	
Raven Ridge Dr	

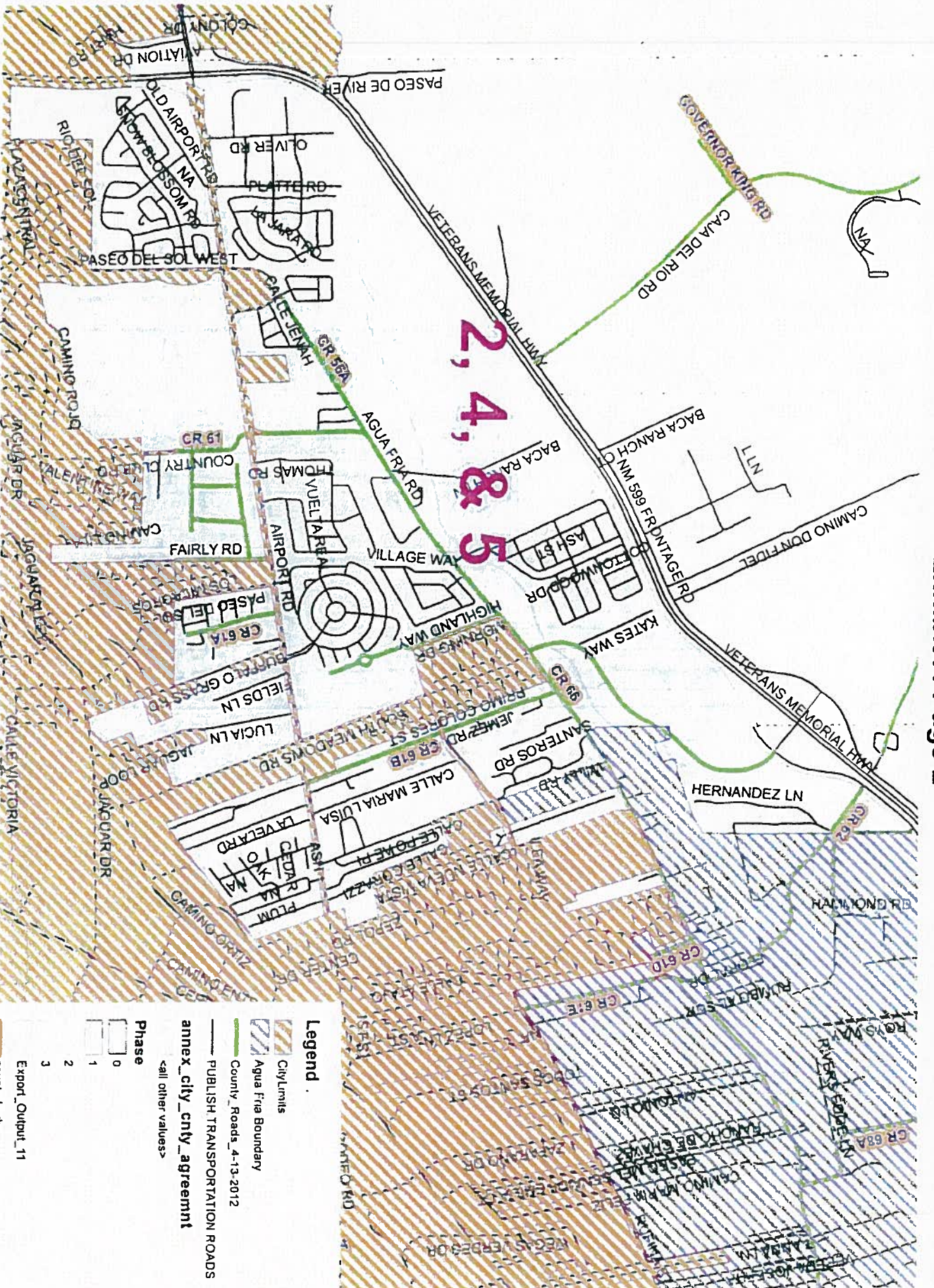
ROUTE NAME	ROUTE NUMBER
Rayon Dr	
Rays Corner	
Redwood St	
Ridgeline Dr	
Rivera Cir	
Rivera Ln	
Riverside Lp	
Roadrunner Ct	
Roadrunner Ln	
Rosewood St	
Sagebrush Rd	
Sandy Creek Rd	
Santa Fe Rd	
Santeros Rd	
Saratoga In	
Scott Pl	
Senda Corvo	
Senda Corvo Ct	
Siler Rd	
Sin Pena Park	
Snow Blossom Rd	
South Meadows Road	
Sundance St	
Sunchine Way	
Sycamore Lp	
Tobasco Ln	
Thomas Ct	
Thomas Rd	
Vereda De Valencia	
Vicente Leyba	
Village Way	
Vista De Cristo	
Vista Del Norte	
Vuelta Real	
Vuelta Ventura	
W Gateway Dr	
W Prince Rd	
Walnut St	
Willy Rd	
Wolfcreek Rd	
Yucatan	

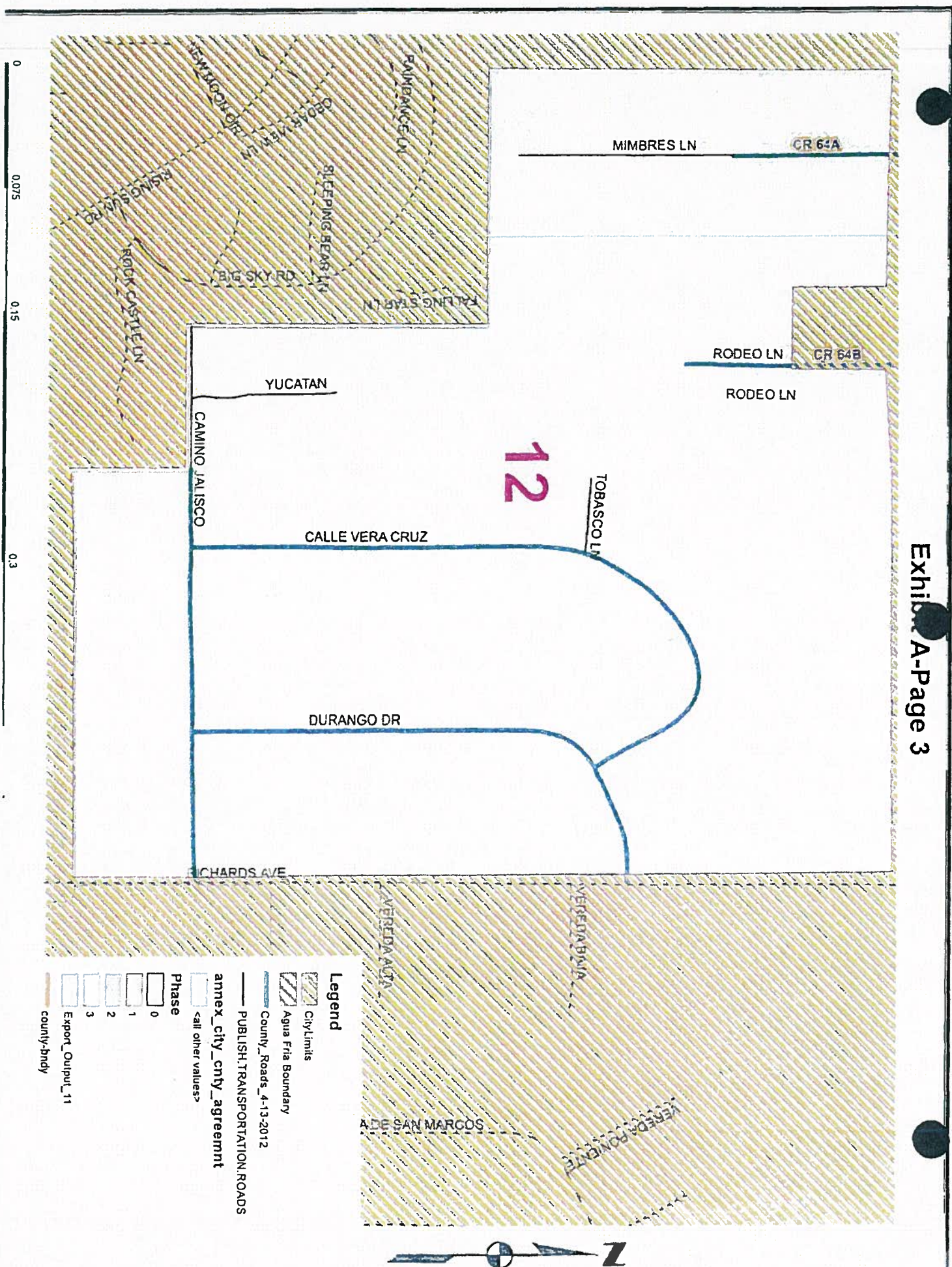


Legend

- City Limits
- Agua Fria Boundary
- County Roads 4-13-2012
- Publish Transportation Roads
- annex_city_cnty_agreement
- Phase
- <all other values>
- 0
- 1
- 2
- 3
- Export_Output_11
- county_bndy

2 Miles





Legend

- City Limits
- Agua Fria Boundary
- County_Roads_4-13-2012
- PUBLISH_TRANSPORTATION_ROADS
- annex_city_cnty_agreement
- Phase
- <all other values>
- Phase
- Phase
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Exhibit A-Page 4

