

Filed For Record 9-28-89 at 2:42PM Stella M. Lopez, Recorder

ORDINANCE NO. 89-4

**AN ORDINANCE PROVIDING FOR SOLID WASTE
MANAGEMENT IN COLFAX COUNTY**

WHEREAS, the Board of County Commissioners of Colfax County has determined that a system of solid waste management is necessary for the public health, safety and welfare of the community.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION ONE

All persons and residences within Colfax County, excluding those within the geographical areas in municipalities, are governed by this ordinance.

SECTION TWO

The county will provide or cause to be provided solid waste management services for the county. Such services may include dumpster or other receptacle services, pickup services and disposal services. Unless otherwise indicated herein, solid waste management service provided by the County shall be mandatory and shall comply with State of New Mexico, Health and Environment Department, Environmental Improvement Division regulations and with State law.

SECTION THREE

Waste management services shall include services related to solid waste and refuse. Solid waste and refuse include paper,

cardboard, garbage, cans, bottles, leaves and ordinary household trash. Solid waste and refuse do not include construction materials, doors, beams, large sections of roofing, masonry, bricks, large branches or lumber, oil, gasoline or other petroleum-like flammables, large appliances, hazardous waste or chemicals, animals, or ashes that have not settled for at least one week. The County is authorized to enact and promulgate regulations to effect the purposes of this section.

SECTION FOUR

The county will endeavor to make placement and collection of containers or other methods as efficient as possible. The manner in which waste and refuse is collected and the manner in which containers are assigned and used shall be the exclusive right and responsibility of the county. The county has the authority to enact and promulgate regulations to effect the purposes of the ordinance, including requirements and regulations respecting separation of recyclable materials.

SECTION FIVE

Fees for solid waste management services are \$6.00 per month for full-time residences and \$4.00 per month for non-full time residences. Designation of full time and non-full time residences shall be completed by the county and regulations concerning such designations may be enacted by the county. The county shall determine the billing and payment schedule for the fees, whether semi-annually, quarterly or pursuant to some other

effective billing and payment system and the county is authorized to enact and promulgate regulations to effect the purposes of this section. *Gross Receipts Taxes will be added on to all Service Fees.*

Fees pursuant to this ordinance and regulations promulgated pursuant thereto constitute a lien against the residence and real property affected, from December 15th of the year in which the billings are mailed. The county may enforce its lien and collection of fees in the same manner that the property tax division enforces payment for delinquent taxes pursuant to the Property Tax Code.

SECTION SIX

Any ranch that receives written confirmation from the New Mexico Health and Environment Department, Environmental Improvement Division, that is has complied with all requirements for on-site waste and trash disposal and/or burial, may apply to the Board of County Commissioners for exemption from the provisions of this ordinance. When all written documentation in support of the request for the exemption is submitted to the office of the County Manager, the Board of County Commissioners shall consider the request for the exemption.

SECTION SEVEN

This ordinance being necessary to secure the public health, safety, convenience and welfare, shall be liberally construed to effect its purpose.

SECTION EIGHT

If any section, paragraph, clause, individual rate or provision of this Ordinance shall for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, individual rate or provision shall not affect any of the remaining rates or provisions of this Ordinance.

PASSED, APPROVED AND ADOPTED this Sept. 27, 1989.

BOARD OF COUNTY COMMISSIONERS
COLFAX COUNTY, NEW MEXICO



Mary Ann M. Hunter
Colgar K. Bernhardt
J. M. Sullivan

ATTEST:

Steven M. Lopez

Filed For Record 3-21-90 at 2:17PM Stella M. Lopez, Recorder

Colfax County

Board of Commissioners

P.O. Box 1498

Raton, New Mexico 87740

Phone: (505) 445-9661

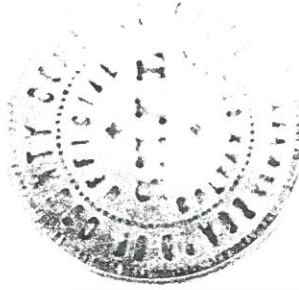
WHITNEY HITE
County Manager
505-445-2906
STELLA LOPEZ
Clerk
505-445-5551MARY ANN HUNTER
Chairman
HCR 61, Box 15
Springer, New Mexico 87747
505-483-2760E.K. BERNARD
Vice Chairman
528 12th Avenue
Raton, New Mexico 87740
505-445-3334JOE M. GALLEGOS
Member
645 North First
Raton, New Mexico 87740NOTICE OF PROPOSED
ORDINANCE AMENDMENT

NOTICE, is hereby given that the Board of County Commissioners of Colfax County will discuss the following proposed amendment at their next regular meeting to be held March 6th, 1990 in the County Courthouse, Raton, NM, at 10:00 A.M., MST.

AMENDMENT NO. 1
COLFAX COUNTY SOLID WASTE
DISPOSAL ORDINANCEORDINANCE NO. 89-4

A new section is added and included in the Ordinance as follows:

Whenever any person subject to the Colfax County Solid Waste Disposal Ordinance is being provided solid waste collection by any town, village or city in Colfax County and through appropriate documentation can establish that said person is paying for such services and will continue to pay for such services, the Board of County Commissioners may issue a certificate of exemption for a period of one year(s) to said person and said person will be exempt from the ordinance and the payment of fees pursuant to the ordinance for such period.



ATTEST:

Stella M. Lopez
STELLA M. LOPEZ
CLERK OF THE BOARD, COLFAX COUNTY
COMMISSION, COLFAX COUNTY, NM

Mary Ann M. Hunter
CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
COLFAX COUNTY, NEW MEXICO

Filed For Record 10/19/93 at 1:02PM Barbara Castillo, Recorder

WHITNEY HITE
County Manager
(505) 445-2906

BARBARA CASTILLO
County Clerk
(505) 445-5551

Colfax County
Board of Commissioners

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FRANK CIMINO Jr.
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TED M. TRUJILLO
Member
HCR 62, Box 36
Raton, New Mexico 87740-9702
(505) 375-2347

NOTICE OF PUBLIC HEARING

ORDINANCE NO. 89-4

NOTICE, is hereby given that the Board of County Commissioners of Colfax County will discuss the following amendment to Ordinance 1989-4. The hearing will be held at 10:00 A.M, MDT, on the 19th day of October, 1993, in the Colfax County Courthouse, Raton, NM.

Proposed amendment to the Colfax County Solid Waste Disposal Ordinance, 1989-4,
is as follows: **AMENDMENT NO. 2**

"CURRENT LANGUAGE"

SECTION THREE

Waste management services shall include services related to solid waste and refuse. Solid waste and refuse include paper, cardboard, garbage, cans, bottles, leaves and ordinary household trash. Solid waste and refuse do not include construction materials, doors, beams, large sections of roofing, masonry, bricks, large branches or lumber, oil, gasoline or other petroleum-like flammables, large appliances, hazardous waste or chemicals, animals, or ashes that have not settled for at least one week. The County is authorized to enact and promulgate regulations to effect the purpose of this section.

"PROPOSED LANGUAGE"

SECTION THREE

A. Waste management services shall include services related to solid waste and refuse. Solid waste and refuse shall include paper, cardboard, garbage, cans, bottles, leaves, and ordinary household trash. Solid waste and refuse does not include construction materials from either new or remodeling construction, doors,

beams, large sections of roofing, masonry, bricks, large branches, lumber, oil, gasoline or other petroleum-like flammables, household furnishings such as bed mattresses, couches, chairs, etc., large appliances, hazardous waste or chemicals, animals, or ashes that have not settled for at least seven days. Solid waste shall be disposed by the person disposing waste only in containers or other receptacles as approved or provided by Colfax County and only at locations approved or designated by Colfax County.

B. UNLAWFUL WASTE DISPOSAL

Unlawful waste disposal consists of disposing waste contrary to the provisions of the ordinance.

It is a misdemeanor for any person to violate any provision of the Ordinance unless a violation is otherwise defined in the Ordinance. Unless another penalty is specified, every person convicted of a misdemeanor for a violation of any provision of the Ordinance shall be punished, for a first offense by a fine of not more than \$100.00, and for a second or subsequent offense within a three year time period by a fine of not more than \$250.00.

Done this 19th day of October, 1993.

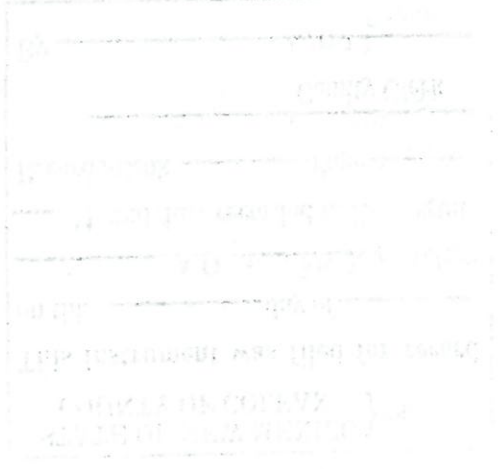
APPROVED



 Chairman

Board of County Commissioners
 Colfax County, New Mexico

ATTEST:



 Barbara Castillo
 Clerk of the Board, Colfax County
 Commission, Colfax County, NM

Filed For Record 1-21-97 at 4:34PM Barbara Castillo, Recorder
Colfax County

ORDINANCE NO. 1998-5

AN ORDINANCE PROVIDING FOR SOLID WASTE COLLECTION, SERVICE FEES, AND
LITTERING

THIS ORDINANCE DEFINES SOLID WASTE AND REFUSE FOR COLLECTION IN CONTAINERS PROVIDED BY THE COUNTY. OTHER WASTE THAT IS ILLEGAL TO DUMP IN OR AROUND THESE CONTAINERS IS ALSO DEFINED AND PROVIDES FINES FOR SUCH ILLEGAL ACTIVITY. FEES ARE SET ANNUALLY BY THE BOARD OF COUNTY COMMISSIONERS. THE ORDINANCE PROVIDES COLLECTION OF THESE FEES FROM FULL AND PART TIME RESIDENTS OUTSIDE MUNICIPAL BOUNDARIES IN THE SAME MANNER AS THE PROPERTY TAX CODE. THE ORDINANCE ALSO PROVIDES FOR CONSIDERATION OF EXEMPTIONS FROM THOSE PROPERTY OWNERS HAVING THEIR OWN PRIVATE DISPOSAL, COLLECTION BY A MUNICIPALITY OR APPROVAL OF THE NEW MEXICO ENVIRONMENT DEPARTMENT.

WHEREAS, Section 106 of Environmental Improvement Board/Solid Waste Management Regulations-4, in accordance with §74-1-8.A(14), NMSA 1978, requires counties in New Mexico to provide a means to dispose of solid waste generated within its respective jurisdiction, and

WHEREAS, Colfax County is authorized to establish, assess and collect fees to pay the necessary costs of a refuse collection and disposal system pursuant to §4-56-3, NMSA 1978, and

WHEREAS, Colfax County has acted to establish a system for the collection of refuse, and

WHEREAS, Colfax County regulates the collection and disposal of refuse for the health, safety and welfare of the public, and

WHEREAS, The Board of Commissioners for Colfax County has determined that a solid waste collection system fee is necessary.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners that:

Article I

All persons, businesses and residences within Colfax County excluding those within the boundaries of municipalities are governed by this ordinance. This includes 'part-time' residents that own residential property but only spend a short time living in that residence.

Article II

The County will provide or cause to be provided solid waste collection services for the county residents. Such services may include dumpsters or other receptacle services, pickup services and disposal services. Unless otherwise indicated herein, participation in the solid waste collection service provided by the County by persons residing in Colfax County shall be mandatory. Said services shall comply with State of New Mexico Environment Department regulations and with State law.

Article III

A. Waste Disposal

Solid waste and refuse shall include paper, cardboard, garbage, cans, bottles, leaves and ordinary household trash. Solid waste shall be disposed of only in containers or other receptacles as approved or provided by Colfax County and only at locations approved or designated by the county.

- 1) Solid waste and refuse does no include construction materials from either new or remodeling construction,

doors, beams, roofing material, masonry, bricks or lumber. Building contractors or anyone building or rebuilding a structure or remodeling the interior of a structure are required to purchase a roll-off and disposal service and the cost of this service is to be borne by the person doing the work.

- 2) Solid waste and refuse does not include oil, gasoline and other petroleum products or household furnishings such as mattresses, couches, chairs and large appliances or hazardous waste or chemicals, dead animals or ashes that have not settled for at least seven days.
 - 3) Items listed in subsections 1 and 2 above may only be disposed of through the use of a commercial hauler or at a suitably licensed landfill site.
- B. Unlawful Waste Disposal and Littering

Unlawful waste disposal consists of disposing of waste contrary to the provisions of this Ordinance. It is a misdemeanor for any person to engage in the unlawful disposal of waste or to violate any provision of the Ordinance. Unless otherwise specified, every person convicted of a violation of any provision of this Ordinance shall be punished for a first offense by a fine of not less than one hundred (\$100) or not more than three hundred dollars (\$300). Upon conviction of subsequent violations of this Ordinance, a person shall be fined not less than three hundred (\$300) or not more than one thousand dollars (\$1000). Littering [the disposal of trash or any waste item outside the provided containers] is unlawful and shall be punished as above. Fines for violation of this Ordinance shall not be suspended, deferred or taken under advisement.

Article IV

The County will endeavor to make placement of containers and/or the procedures for collection of solid waste as efficient as possible. The manner in which solid waste and refuse is collected and the location at which containers are placed and used shall be determined by the County. Normally, placement is only on County maintained and certified roads and will be accessible for residents traveling to a normal destination. The County has the authority to enact and promulgate regulations to effect the purposes of this Ordinance, including requirements and regulations respecting separation of recyclable materials.

Article V

Colfax County solid waste collection fees shall be determined pursuant to rates established by resolution on an annual basis by the Board of County commissioners prior to the beginning of each fiscal year. Additionally, businesses shall be charged at a rate and in a manner to be determined by the Board of County Commissioners by resolution.

All persons, businesses and residences within Colfax County excluding those within the boundaries of municipalities are governed by this ordinance and are assessed the appropriate fee.

Fees pursuant to this ordinance and regulations promulgated thereto constitute a lien against the residence and real property affected, from 60 days following the month in which the billings are mailed. Six (6) months after the date the fee becomes delinquent, the county shall have the power to enforce collection of the assessment as follows:

With the exception of the time period for payment of delinquent assessments, the county may enforce its lien and collection of fees in the same manner that the property tax division enforces payment for delinquent taxes, interest and penalties, pursuant to the Property Tax Code Section 7-35-1 NMSA and following.

or

The county may bring action in District or Magistrate Court.

Article VI

The owner of any farm or ranch who receives written confirmation from the New Mexico Environment Department that he has complied with all requirements for on-site waste and trash disposal and/or burial, may apply to the

Board of County Commissioners for exemption from the provisions of this Ordinance. The Board of Commissioners shall consider said request for exemption at a public meeting after all written documentation in support of the request is submitted to the County Manager.

Article VII

Whenever any person, business or resident subject to this Ordinance is being provided solid waste collection by a municipality or by a licensed commercial collection service, and when appropriate documentation can establish that said person will continue to contract for such service, the Board of County Commissioners may issue a certificate of exemption for a period of one year to said person, business or resident and said person, business or resident will be exempt from the Ordinance and the payment of fees for such period.

Article VIII

This Ordinance being necessary to secure public health, safety, convenience and welfare shall be literally construed to effect its purpose.

Article IX

If any Article, paragraph, clause or individual provision of this Ordinance shall for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such Article, paragraph, clause or individual provision shall not affect any of the remaining provisions of this Ordinance.

Article X

This ordinance replaces entirely Ordinance #89-4 and all of its amendments or additions.

PASSED, ADOPTED AND APPROVED this 10th day of January, 1997.

Attest:

Barbara Castillo
Barbara Castillo, County Clerk

BOARD OF COMMISSIONERS
COLFAX COUNTY, NEW MEXICO

Frank Cimino, Jr.

Joe Gallegos

Marietta Shell
Marietta Shell



REGULAR MEETING

MARCH 6, 1990

The Colfax County Board of Commissioners met on this date in Regular Session in the Commission Chambers with the following members present:

Mary Ann M. Hunter, Chairman
 Edgar K. Bernard, Member
 Joe M. Gallegos, Member
 Stella M. Lopez, County Clerk
 Whitney Hite, County Manager
 Harold Breen, Assistant District Attorney

Chairman Hunter called the meeting to order at 10:00 A.M.

1. Approve Agenda

Commissioner Gallegos made the motion to approve the Agenda. Commissioner Bernard seconded the motion. The motion carried.

2. Approve Minutes

Commissioner Bernard made the motion to approve the Minutes of the Regular Meeting on February 6, 1990; the Special Meeting on February 13, 1990, two Special Meetings on February 15, 1990 and a Special Meeting on February 21, 1990. Commissioner Gallegos seconded the motion. The motion carried.

3. Review Expenditures

General Fund	\$ 147,864.28
Road Fund	57,997.78
Miami Fire District	346.38
Farley Fire District	20,712.86
Ute Park Fire District	1,201.85
Philmont Fire District	12,706.95
Law Enforcement-Correction Fees	5,077.64
Law Enforcement-Special Fund	125.48
Fire Excise Tax Fund	15,344.07
Colfax Health Care	-0-
Indigent Care Fund	17,486.45
Property Eval. School	-0-
Capital Improv. Jail	27,429.82
Trash Pick Up	3,000.00
TOTAL	\$ 309,293.56

Commissioner Gallegos made the motion to approve the Expenditures for the month of February, 1990. Commissioner Bernard seconded the motion. The motion carried.

4. Recognize Visitors Present

Others present at this meeting were Jail Administrator Charles Talley, Road Supt. Buddy Seidel, Road Foreman Carroll Turley, Public Health Nurse Edna Candelario and Range Reporter Todd Wildermuth.

5. Springer Juvenile Detention Contract

Commissioner Bernard made the motion to approve a Contract with the Springer Juvenile Detention drafted by Mr. Breen. The Board directed Mr. Breen to add the changes discussed at the February 6th Regular Meeting for medical expenses and the contract should be for a one year period. Commissioner Gallegos seconded the motion. The motion carried.

6. Ordinance Amendment No. 1 - TRASH PICK UP

Commissioner Gallegos made the motion to accept and approve Ordinance No. 1 Amendment- Trash Pick Up. Commissioner Bernard seconded the motion. The motion carried. This Amendment will exempt persons from the Ordinance if they are making trash pick up payments to a municipality. The exemption is for one year at a time. This Amendment will be recorded in the Ordinance Record Book in the County Clerk's Office.

SPECIAL MEETING**OCTOBER 19, 1993**

The Colfax County Board of Commissioners met on this date in Special Session in the Commission Chambers with the following members present:

Frank J. Cimino, Jr., Chairman
Virginia Buscarini, Member
T.M. (Ted) Trujillo, Member
Barbara Castillo, County Clerk
Whitney Hite, County Manager

Chairman Cimino called the Meeting to order at 10:05 A.M.

The purpose of this Meeting was to hold a Public Hearing on the proposed amendment to the Solid Waste Disposal Ordinance, 1989-4.

Commissioner Trujillo made the motion to adopt the proposed language to the Colfax County Solid Waste Disposal Ordinance, 1989-4 as amended and as advertised. Chairman Cimino seconded the motion. The motion carried. The Ordinance will take effect 30 days after recordation.

There being no further business, Chairman Cimino made the motion to adjourn. Commissioner Buscarini seconded the motion. The Meeting adjourned at 10:07 A.M.

BOARD OF COLFAX COUNTY COMMISSIONERS

Chairman


U.B. Q. S. I. N.

Member



Member

ATTEST:


Barbara Castillo, Clerk of the Board

REGULAR MEETING

NOVEMBER 2, 1993

The Colfax County Board of Commissioners met on this date in Regular Session in the Commission Chambers with the following members present:

Frank J. Cimino, Jr., Chairman
Virginia Buscarini, Member
T.M. (Ted) Trujillo, Member
Barbara Castillo, County Clerk
Whitney Hite, County Manager
Harold Breen, County Attorney

Chairman Cimino called the Meeting to order at 10:02 A.M.

1. Approve Agenda

Whitney Hite recommended placing item #6 after item #10 on the Agenda. Commissioner Trujillo made the motion to approve the Agenda with the change. Commissioner Buscarini seconded the motion. The motion carried.