

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

ORDINANCE NO. 1996-5

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 any one 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 pay 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

Coffax 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 Coffax 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 at 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

