



ORDINANCE NO. 2024-05

SOLID WASTE COLLECTION, DISPOSAL AND FEES ORDINANCE OF THE COUNTY OF LINCOLN, NEW MEXICO

AN ORDINANCE REPEALING LINCOLN COUNTY ORDINANCE 2024-01 AND ENACTING AN ORDINANCE WHICH REGULATES ACCEPTABLE AND UNACCEPTABLE WASTE IN LINCOLN COUNTY, AND PROVIDING FOR EFFICIENT AND SANITARY COLLECTION OF WASTE, PROVIDING FOR MANDATORY DISPOSAL AND ASSESSMENT OF FEES, PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Lincoln County Commissioners finds it necessary to repeal Ordinance 2024-01 and enact a new Ordinance in order to protect the health, safety, and welfare of the citizens of Lincoln County; and

WHEREAS, the Board of Lincoln County Commissioners, pursuant to the provisions of §4-56-1 *et seq.* NMSA 1978, is delegated the authority to "...establish and maintain, manage and supervise a system of storage, collection and disposal of all refuse; and

WHEREAS, the Board of Lincoln County Commissioners finds this Ordinance is applicable in all unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts; and

WHEREAS, the Board of Lincoln County Commissioners finds that this Ordinance is necessary and proper in order to provide for a safe, sanitary, coordinated County-wide program of collection, control, and disposal of Acceptable and Unacceptable Waste in unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts, in cooperation with Federal and State agencies; and

WHEREAS, the Board of Lincoln County Commissioners has determined that it is necessary and proper to protect the waters, both underground and flowing in rivers, creeks, and streams, through the enactment of regulations concerning the proximity of disposal of Acceptable and Unacceptable Waste to underground and surface water; and

WHEREAS, the Board of Lincoln County Commissioners finds that this Ordinance is necessary to protect the environment and promote the preservation of the natural beauty of Lincoln County lands; and

WHEREAS, the Board of Lincoln County Commissioners finds it necessary to provide a fair and equitable procedure to allocate the cost of solid waste collection among the residents in unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water

and sanitation districts, and to provide a system for establishing, amending, changing, and/or altering a system of fees by Resolution and also providing for appropriate public input to such system of fees; and

WHEREAS, the Board of Lincoln County Commissioners finds it necessary to establish fees assessed for delinquent payments and/or failure to make payments, and to provide a means of collecting associated court costs and attorneys' fees in the lawful pursuit of collection of delinquent payments; and

WHEREAS, the Board of Lincoln County Commissioners also finds it necessary to provide a system for the citizens of Lincoln County to apply for waivers of certain solid waste fees when determined as necessary.

NOW, THEREFORE, BE IT ORDAINED by the Board of Lincoln County Commissioners as follows:

Section 1. Title.

This Ordinance shall be referred to as the Solid Waste Collection, Disposal and Fees Ordinance of the County of Lincoln, New Mexico.

Section 2. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meanings stated herein:

“Acceptable Waste” is defined as household garbage or trash originating or generated from habitable entities within the boundaries of the County, including but not limited to: waste food, swill, carrion, slops, or waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products.

“Arroyo” is defined as any canyon, draw or wash or any other earthen channel with visible evidence of the occasional flow of water.

“Ashes” is defined as fire residue of any kind including, but not limited to, fireplace ashes, barbecue grill briquettes, wood chips, wood stove ashes, campfire ashes, hot waste or other material susceptible of spontaneous combustion.

“Board” is defined as the Board of County Commissioners of the County of Lincoln, New Mexico.

“County” is defined as the County of Lincoln, New Mexico.

“County Manager” is defined as the chief administrative assistant to the Board of Lincoln County Commissioners.

“Debris” is defined as waste materials resulting from construction, remodeling, repair of buildings or roads or other structures, and from demolition of buildings, roads and other structures, including, but not limited to, bricks, concrete blocks, sheetrock, shingles, roofing material, lumber, metal or plastic piping, but does not include any Unacceptable Waste, hazardous, contaminated or regulated waste.

“Flood Plain” is defined as the relatively flat area or low land adjoining the channel of a watercourse or a body of standing water which has been or may be covered by flood waters, and which has a one (1%) percent chance of occurring in a given number of years, the limits of which are shown on a National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM).

“Habitable” is defined as a unit suitable or fit in which to live or occupy, and/or each single unit of multi-unit dwellings.

“Hauler” is defined as any person who collects Acceptable or Unacceptable Waste from any property not owned by that person.

“Landfill” is defined as a facility designed for the disposal of refuse and solid waste materials permitted in accordance with EID Regulations.

“Occasional Use” is defined as less than thirty (30) days occupancy per year.

“Owner” is defined as an owner, whether residing in said premises or not, of any property located within the unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts.

“Person” is defined as any individual, partnership, company, corporation, firm, association, trust, estate, state and federal agency, government instrumentality or agency, institution, county, city, town, village, or municipality or other legal entity, however organized.

“Premises” is defined as a structure, whether designed for private or commercial use, located within the unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts.

“Refuse” is defined as all junked parts or bodies of automobiles, tires, waste paper, paper cartons, cardboard, trees, tree branches, yard trimmings or clippings, leaves, pine needles, wood, glass, plastic, discarded furniture or appliances, tin cans, bottles, dirt, ashes, liquid petroleum waste, such as motor oil and such similar items, and all other unwholesome material of every kind, not including garbage or debris.

“Residence” is defined as any habitable dwelling or each single unit of multi-unit habitable dwellings.

“Responsible Party” is defined as the owner, tenant, lessee, manager, trustee, occupant, or successor-in-interest of any premises, whether occupied or vacant, improved or unimproved, who is responsible for payment of the mandatory fee for solid waste collection.

“Solid Waste” is defined as garbage, refuse and/or debris of any kind generated by an individual, household or commercial establishment.

“Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste” is defined as explosive, toxic, radiologic, biologic or pathological substances, waste defined or classified as hazardous waste at any time under federal, state or local law, oil sludge, cesspool or other human waste, human remains, the carcasses of dead animals, liquid waste and slurries, drilling fluids and produced waters and other non-domestic wastes associated with mining and/or extraction, production of any crude oil, ores, minerals, natural or any other gasses, chemicals from commercial sources such as cleaning fluids, petroleum products, paints, acids, caustics, pesticides, insecticides, poisons, drugs, waste contaminated by infectious diseases, radioactive waste, live pests, toxic, highly flammable or explosive materials and all other unwholesome materials, the processing of which could pose a threat to health or safety of Waste Plant workers or damage to the Waste Plant. Unacceptable Waste includes hazardous waste as set forth in the New Mexico Hazardous Waste Act, §74-4-1 et seq. NMSA 1978. Unacceptable Waste shall be disposed of in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

“Unacceptable Waste” means any waste containing, ashes, rocks, sand, dirt, concrete, tree stumps, yard waste, including pine needles, grass and tree clippings, leaves, and cut weeds, trees, tree branches, or other vegetative matter that normally results from land clearing, construction debris, street sweepings, large paper cartons and cardboard, large items of furniture, appliances, metal objects, machinery and equipment such as automobile and vehicular parts, inoperable or partially dismantled motor vehicles, tires, trailers, agricultural equipment, marine vessels, or similar items, farm and other large machinery, wire and cable from industrial sources. Unacceptable Waste additionally includes all items identified in the definition of Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste set out above.

“Uninhabitable” is a unit unsuitable or unfit in which to live or occupy, and/or each single unit of multi-unit uninhabitable dwellings.

Section 3. Powers of the County of Lincoln

In connection with the operation of a mandatory solid waste collection system, the Board may:

A. Execute agreements on behalf of the County, with any municipality, county or other local unit of government, or any private entity for the collection, regulation, transportation and disposal of solid waste generated in the unincorporated areas of the County;

B. Establish, assess, and collect fees directly, or through its authorized agent, from Responsible Parties using the solid waste collection system in amounts sufficient to pay the necessary costs of the collection, transportation and disposal system; and

C. Coordinate the collection, regulation, transportation and disposal of solid waste in consultation with the New Mexico Environment Department.

Section 4. Mandatory Collection and Disposal of Acceptable and Unacceptable Waste.

A. Any disposal of Acceptable and/or Unacceptable waste, except as provided by this Ordinance, is hereby declared to be unlawful and a violation of this Ordinance.

B. Any excessive accumulation of Acceptable and/or Unacceptable Waste is hereby declared to be a nuisance, unlawful and a violation of this Ordinance.

Section 5. Accumulation of Waste and Litter; Removal; Violation.

A. No person shall cause or permit to remain upon any property, private or public, any Acceptable or Unacceptable Waste, or any composition of residue thereof which is in an unsanitary condition or hazardous to public health.

B. No person shall dispose of Acceptable Waste except in waste disposal facilities, and County containers including, poly-carts, dumpsters or compactors.

C. No person shall dispose of Unacceptable Waste or Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste as defined in Section 2 of this Ordinance in any County container use for the regular collection of Acceptable Waste but shall dispose of such Waste, in a landfill if not considered toxic, hazardous, ignitable, flammable, or explosive waste, and if considered toxic, hazardous, ignitable, flammable, or explosive waste in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

D. No person shall set fire or cause or procure a fire to be set to any Acceptable or Unacceptable Waste, including but not limited to, cans, cartons, wrappings containing food or organic waste, hair, wool, rubber, plastic, or any other substance which would create offensive, obnoxious or dangerous fumes or odors unless in an incinerator which has been approved by the fire chief or health authority of the County.

E. No person shall throw, sweep, dump, deposit, or dispose of any Acceptable or Unacceptable Waste or elements thereof, upon on any road, street, gutter, sidewalk, alley, sewer, parkway, or on the ground beside any waste receptacle or other public place within the unincorporated areas of the County of Lincoln outside of municipalities and lawfully created water and sanitation districts.

F. No person shall dispose of any Construction Debris in any County container used for the regular collection of Acceptable Waste but shall dispose of such Waste, in a landfill if not considered toxic, hazardous, ignitable, flammable, or explosive waste, and if considered toxic, hazardous, ignitable, flammable, or explosive waste in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

G. It shall be the duty of either an Ordinance Enforcement Officer, the Sheriff or his/her designee, to enter upon any non-posted private or public real property after having received a complaint for the purpose of inspecting, to ascertain if there exists on the land thereon a condition that is contrary to or in violation of this Ordinance. Said Ordinance Enforcement Officer, Sheriff or his/her designee, may enter upon the land without a complaint having been received only if the Ordinance Enforcement Officer, Sheriff or his/her designee, personally views a violation. If the owner or occupant of any land objects to the Ordinance Enforcement Officer or the Sheriff or his/her designee, entering upon their property, as above stated, a warrant will be obtained from a court of competent jurisdiction prior to inspection.

1. If, upon the basis of such inspections, the Ordinance Enforcement Officer, or the Sheriff or his /her designee finds that any of Subsections A-F in this Section have not been complied with or that a violation exists, the Ordinance Enforcement Officer shall notify the Responsible Party of the existence and location of the unlawful Acceptable or Unacceptable Waste accumulations, and provide a designated period of time from ten (10) days up to thirty (30) days to correct such condition.
2. Upon the failure, neglect, or refusal of any Responsible Party to properly correct any such conditions as set forth herein, within the time prescribed (or within five [5] days of the return as undeliverable of such prescribed notice if the notice is served by mail), the Board may contract for the correction of unlawful accumulation or order its correction by the County, at the expense of the Responsible Party.
3. The cost for correction shall be a lien upon the property and shall remain in full force and effect for the amount due plus interest at the legal rate from the date of filing of the lien until paid, and all other costs, including attorney's fees. The lien shall be enforced and foreclosed according to applicable State law.

H. Where either the Ordinance Enforcement Officer, the Sheriff or his/her designee finds that a clear and present danger exists to the public health, welfare, and safety due to certain unlawful accumulations of Acceptable or Unacceptable Waste and immediate measures are required to alleviate this clear and present danger, the ten (10) day notification period may be waived.

I. Costs for correction of unlawful accumulation of Acceptable or Unacceptable Waste shall be determined on the basis of man-worked hours, equipment at a customary rental rate per day, plus any direct cost paid by the County to correct the accumulation.

J. Violation of this Section, in addition to any other cost assessed for the cleanup of illegally stored or deposited Acceptable or Unacceptable Waste, shall be enforced under the provisions of Section 11 titled: Penalties; Liens of this Ordinance.

Section 6. Pre-collection Practices of Acceptable and Unacceptable Waste.

A. Acceptable Waste shall be placed and maintained in County containers, or other waste disposal facility(ies) licensed and permitted in conformance with applicable State law, State regulations and this Ordinance.

B. It shall be the responsibility of all persons to dismantle and/or flatten all boxes or packing crates, regardless of construction, and to place the same in County containers.

C. Disposal of Ashes. Ashes as defined in Section 2 above are considered Unacceptable Waste and shall not be placed in any County container. Additionally, it is unlawful to dispose of hot Ashes in any manner. To dispose of cool Ashes, the following guideline is provided:

1. Cool in place for a minimum of forty-eight (48) hours and inspect to determine that no live embers capable of spontaneous combustion are present; or
2. Extinguish with water or sand and stir to the point where inspection reveals that no embers capable of spontaneous combustion are present.

D. Disposal of Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste. Toxic, Hazardous, Ignitable, Flammable, or Explosive Waste as defined in Section 2 above are considered Unacceptable Waste and shall not be placed in any County container. The disposal of any of these items shall be in accordance with any applicable State and Federal laws or regulations at the expense of the person accumulating the waste.

Section 7. Waste Containers; Damage to Waste Containers.

A. Commercial Haulers are expressly prohibited from the use of County containers for the disposal of their waste collected on a fee basis. Violations are subject to the penalties provided for in Section 11 titled: "Penalties/ Liens" of this Ordinance.

B. All users of County containers shall comply with the rules and regulations established by the County for the use, care, and location of such containers and shall keep the lids and covers furnished for such containers closed at all times, except when they are being filled or emptied.

C. All Acceptable Waste shall be placed in a container provided by either the County or lawfully created water and sanitation district and shall be reduced in waste size to no more than four (4) feet in length. No items in excess of these dimensions or weighing more than fifty (50) pounds shall be placed in the containers provided by the County.

D. In the event that a waste container provided by either the County or lawfully created water and sanitation district is full, neither Acceptable nor Unacceptable Waste shall be placed on

the ground or in proximity to the container so as to constitute a health hazard or the possibility that the Acceptable and/or Unacceptable Waste may become blown and scattered.

E. It is unlawful to impede access to a County container other than necessary for the time to remove and deposit Acceptable Waste in the receptacle.

F. It is prohibited for any person, including children, to be on or in waste containers for any purpose.

G. It is unlawful to intentionally damage any waste container owned or leased by the County.

H. Any person who damages any such container provided for County residents shall be liable to the County for the cost, repair, or replacement of such container, in addition to the penalties provided for in Section 11 titled: "Penalties/Liens" of this Ordinance.

Section 8. Construction Sites; Transportation of Materials.

A. All persons who have secured a building permit shall, before the start of any construction activity in the County, furnish or place on those premises a container or fenced area of suitable size and design to contain all Construction Debris which may be disturbed or removed from the premises by the wind or elements. Within thirty (30) days of completion, all Construction Debris containers shall be removed from the premises.

B. No person generating Acceptable, Unacceptable Waste or Construction Debris shall allow Acceptable, Unacceptable Waste or Construction Debris of any kind to be blown or carried by the elements from the premises for which the building permit was secured.

C. Persons engaged in demolition shall remove the Acceptable, Unacceptable Waste or Construction Debris including structural parts, from the construction site and contain their elements from scattering in the same manner as set out above. Acceptable, Unacceptable Waste or Construction Debris shall be removed and disposed of within five (5) days of completion to an approved waste transfer station or landfill.

Section 9. Regulations Adopted.

The laws of the State of New Mexico dealing with solid waste management and all regulations promulgated and published pursuant to those laws for the New Mexico Health and Environmental Department or and division thereof, including, but not limited to, the Environmental Improvement Division (or any successor department, agency or division), along with any subsequent revision or amendments to such laws or regulations, are hereby adopted and incorporated herein by this reference and made a part of this Ordinance; provided, however, that the penalty provisions provided herein shall apply to violations prosecuted under this Ordinance.

Section 10. Mandatory Fees.

A. Participation in the solid waste collection system is mandatory on each Responsible Party in the unincorporated areas and outside of municipalities and lawfully created water and sanitation districts of the County, except as provided in Section 12 titled: “Exceptions; Procedures for Requesting Exceptions; Waivers; Areas of Applicability” of this Ordinance.

B. Payment of the solid waste collection fee shall be the obligation of the Responsible Party for each habitable unit located in unincorporated areas of the County outside of municipalities and lawfully created water and sanitation districts.

C. If there are multiple habitable units on a property, the solid waste collection fee shall be assessed on each unit in accordance with the County’s Resolution Setting Fees as may be amended from time to time.

D. The Board shall establish a system of fees for solid waste collection pursuant to Resolution of the Board not to exceed the actual cost to collect, transport and dispose of such solid waste; which is duly introduced before the Board after the Board has provided notice of the meeting at which final action on the Resolution is to be taken to establish the system of fees.

E. Such notice of Public Hearing shall be published once in a newspaper of general circulation within the boundaries of the County at least fourteen (14) days prior to said Public Hearing.

F. The County’s Contractor shall have the power to set rates for special services, including, but not limited to, grapple and roll-off services.

G. In the event that any Responsible Party, pursuant to this Section, fails to make payment of assessed fees within thirty (30) days of the due dates set forth pursuant to the billing, said Responsible Party shall be subject to a late fee as established by the Board. In the event the Responsible Party fails to pay the fees set forth herein for more than one (1) billing cycle, the penalty shall be assessed for each billing cycle for which payment remains outstanding.

Section 11. Penalties; Liens.

A. Penalties.

1. Persons convicted of violating this Ordinance may be subject to a fine not to exceed Three Hundred and No/100 Dollars (\$300.00) or imprisonment for ninety (90) days or both the fine and imprisonment, except as set forth in paragraphs 2, 3 and 4 below.

2. Persons violating this Ordinance by discarding or disposing of Acceptable or Unacceptable Waste on public or private property in any manner other than disposing it in an authorized landfill, shall, upon conviction, be subject to a fine not to exceed One Thousand and No/100 Dollars (\$1,000.00).

3. Persons violating this Ordinance by the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act, shall, upon conviction, be subject to a fine not to exceed Five Thousand and No/100 Dollars (\$5,000.00).

4. Each violation shall constitute a separate offense. Each day an offense continues shall also constitute a separate offense.

B. Liens.

1. All fees arising under this Ordinance shall be payable by the Responsible Party of the unit or parcel of property being served at the time the solid waste rate accrues and becomes due, and if not paid, the County shall be entitled to a lien upon the tract or parcel of land being served pursuant to the authority granted under §3-36-1 *et seq.* NMSA 1978, and §4-37-1 *et seq.* NMSA 1978, which lien shall be a first and prior lien on the property, coequal with Municipal liens pursuant to §3-26-2, NMSA 1978, but subject only to the lien of general State and County taxes.

2. The lien provided for in this Section shall be enforced in the matter prescribed in §§3-36-1 through 3-36-7 NMSA 1978. For purposes of this Section, such action shall be taken by the Chair of the Board upon a majority vote of Commissioners. In any proceedings where pleadings are required, it shall be sufficient to declare generally for the service supplied for the collection, transportation and disposal of solid waste. Notice of the lien shall be filed in the manner provide for in §3-36-1 NMSA 1978, and the effect of such filing shall be governed by §3-36-2 NMSA 1978.

3. The charges and fees imposed herein are the responsibility of the Responsible Party of the habitable unit(s), regardless of whether occupied by an Owner, tenants or others, and the County may file a lien against the property for such charges, penalties and attorney's fees incurred in the cost of filing the lien. The Responsible Party shall be accountable for any legal fees and attorney's fees which result from the filing of any lien or from the prosecution of any legal action to collect past due fees owed to the County.

Section 12. Exceptions; Procedures for Requesting Exceptions; Waivers; Areas of Applicability.

A. An Owner may request a waiver of the solid waste collection fee, upon providing proof of ownership [e.g. – a current recorded property deed and Assessor's tax bill] of at least three hundred (300) contiguous acres of land. The Owner must comply with all aspects of this Ordinance regulating Acceptable and Unacceptable Waste and unauthorized accumulation and disposal of solid waste. The Owner must additionally be in compliance with all local, State and Federal laws relating to the disposal of solid waste. The Waiver due to owning at least 300

contiguous acres of land is attached to this Ordinance as Exhibit 1 and must be both submitted to and approved by the County.

B. An Owner of an Uninhabitable unit as defined in Section 2 of this Ordinance shall have an opportunity to request a Waiver of the solid waste collection fee due to uninhabitability. The Waiver request shall be in writing with sufficient details provided to prove uninhabitability. The Waiver due to uninhabitability is attached to this Ordinance as Exhibit 2 and must be both submitted to and approved by the County.

C. An Owner of property whose solid waste services are being provided by another entity pursuant to a properly executed Memorandum of Understanding entered into between the County and the entity shall be waived from the County's solid waste collection fee.

Section 13. Appeal of Denial of Waiver Request.

An applicant who is dissatisfied with the decision of the Solid Waste Department may appeal the decision to the County Manager. The appeal must be in writing to the Solid Waste Department within ten (10) days of the date of the decision of the Solid Waste Department setting forth the reasons for the appeal. The County Manager shall review the facts and circumstances and determine whether the applicant has shown good cause why the exemption should be granted. The County Manager shall submit the decision in writing within ten (10) days of receipt of applicant's notice of appeal of the decision of the Solid Waste Department.

An applicant who is dissatisfied with the decision of the County Manager may appeal the decision to the County Commission by written notice to the County Manager of such appeal to be made within ten (10) days of the date of the decision of the County Manager. The matter shall be referred to the County Commission for a hearing at a regular or special meeting in the usual course of business. The decision of the County Commission made thereof shall be expressed in writing and be communicated in the same manner as the decision of the county Manager is transmitted. The action of the County Commission shall be final.

Section 14. Severability.

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

Section 15. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 16. Recording.

This Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the County Clerk.

Section 17. Repeal of Ordinance No. 2024-01


Upon the effective date of this Ordinance, Ordinance No. 2024-01 shall be considered repealed.

Section 18. Effective Date.

This Ordinance shall take effect thirty days after recording in the Public Records of Lincoln County.

PASSED, APPROVED AND ADOPTED this the 11th day of June, 2024.

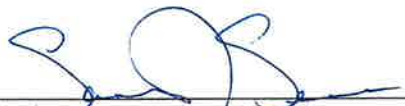
**BOARD OF COUNTY COMMISSIONERS
OF LINCOLN COUNTY, NEW MEXICO**




Todd F. Proctor, Chairman
District 1 For / Against



Jon F. Crunk, Vice-Chairman
District III For / Against



Samantha J. Serna, Member
District II For / Against

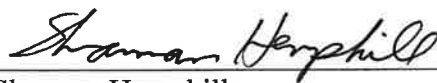


Pierre S. Pfeffer, Member
District IV For / Against



Mark G. Fischer
District V For / Against

ATTEST:



Shannan Hemphill
Lincoln County Clerk



**Exhibit 1: APPLICATION FOR WAIVER OF THE SOLID WASTE COLLECTION FEE
LANDOWNERS WITH 300 CONTIGUOUS ACRES OF LAND**

Section 12(A) of the Lincoln County Solid Waste Disposal/Fees Ordinance allows a landholder with 300 contiguous acres of land to request a waiver of the solid waste collection fee. Landowner must agree to comply with all Federal, State of New Mexico, and County regulations as to disposal.

LANDOWNER'S NAME(S) _____ LCSW Account # _____

Mailing address: _____
_____ Phone: _____

Legal Description (or map) of property:

Brief Physical Description of Land Location:

I, _____, hereby certify and attest to the following:
(Print name)

1. I am the legal owner of the land described above.
2. All information on this application is correct.
3. I dispose of ALL solid waste generated on my property.

(Signature of Landowner) Date: _____

(Signature of Landowner) Date: _____

*Submit this form by mail or in person to:
Lincoln County Solid Waste, 109 Kansas City Rd., Ruidoso, NM 88345*

FOR OFFICE USE ONLY

DETERMINATION BY LINCOLN COUNTY SOLID WASTE

Approved _____ Denied _____ Date: _____ Comments: _____

(Signature: Lincoln County Manager)

**Exhibit 2: APPLICATION FOR WAIVER OF THE SOLID WASTE FEE
FOR UNINHABITABLE PROPERTIES**

Section 12(B) of the Lincoln County Solid Waste Disposal/Fees Ordinance provides that a landowner with an uninhabitable property may request a waiver of the solid waste collection fee.

Please sign in exactly the same manner as your ownership of your property is reflected in your deed or title policy. All owners of your property must sign. If the property is in the name of both husband and wife, both must sign. If signing as attorney, executor, administrator, trustee or guardian, please give full title as such. If a corporation, please sign in full cooperate name by an authorized officer. If a partnership, please sign in partnership name by an authorized person. Use additional signature pages, if necessary. Have your signature(s) acknowledged before a notary public below.

LCSW Account # _____

LANDOWNER (individual, husband and wife, corporation, LLC, partnership, trust):

Mailing address:

Phone: _____

Legal Description (or map) of routinely unused uninhabitable premise:

Brief Physical Description of Land Location:

I/we, _____, hereby certify and attest to the following:

(Print name)

1. I/ we am/are the legal owner(s) of the land described above.
2. All information on this Application is correct.
3. Attached to this Application are photos which prove uninhabitability.
4. The status of uninhabitability has been verified by the County of Lincoln Manager or County Manager's designee as being uninhabitable by his/her signature below.
5. If the undersigned is found to be in violation of disposing of any solid waste generated on the property described above, I may be cited and subject to a fine of up to three hundred dollars (\$300) and/or ninety (90) days in jail for each separate offense per the Lincoln County Solid Waste Ordinance.
6. The undersigned agrees to fully comply with all remaining requirements of the Lincoln County Solid Waste Ordinance.

(Signature of Landowner)

Date: _____

Date: _____

(Signature of Landowner)

*Submit this form by mail or in person to:
Lincoln County Solid Waste, 109 Kansas City Rd., Ruidoso, NM 88345*

FOR OFFICE USE ONLY

DETERMINATION BY LINCOLN COUNTY SOLID WASTE

Approved _____ Denied _____ Date: _____

Comments: _____

(Signature: Lincoln County Manager or County Manager's Designee)



RECEIPT

Run Date: 6/13/2024 10:15 AM

Shannan Hemphill
County Clerk
Lincoln County, NM

Transaction #:	37051	Agent #:	232	Source:	OTC
Receipt #:	330978	Attention:		Returned:	OTC
Cashier Date:	6/13/2024 10:15:03 AM	Name:	COUNTY OF LINCOLN	Will Call:	
Cashier By:	Nicholas Morerod	Address:	IN PERSON		

<u>Total Payments</u>	<u>Total Fees</u>	<u>Total Refund</u>	<u>Shortage</u>	<u>Check Overage</u>
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

PAYMENT:

REF #