

ORDINANCE 2013-3

AN ORDINANCE AMENDING THE SOLID WASTE ORDINANCE 2010-5
FOR THE PURPOSE OF CREATING MANDATORY CURBSIDE AND ROADSIDE
SOLID WASTE COLLECTION DISTRICTS AND ESTABLISHING THE
PROCEDURES FOR CURBSIDE AND ROADSIDE SOLID WASTE COLLECTION

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNTY THAT ORDINANCE 2010-5 IS AMENDED AS FOLLOWS:

1. **Section 2, "Purpose"** is hereby replaced with the following:

The purpose of this Ordinance is 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; and
- D. Create mandatory roadside solid waste collection districts and to establish the procedures for curbside and roadside solid waste collection.

2. **Section 5, "Administration"** is hereby amended by:

- A. Replacing subsections (D) and (E) with the following:

(D) The County Manager shall recommend fees to the Board of County Commissioners. Fees other than those provided for in this Ordinance or increased fees 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 transfer station 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.

- B. Adding the following:

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

3. **Section 6, "Solid Waste Collection Authorization"** is hereby replaced with the following:

(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,

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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 extent 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 Transfer Stations or other NMED Solid Waste Facilities.

(B) Handling of Solid Waste By Others. Subsection (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.

4. **Section 7, "Solid Waste Preparation Requirements"** shall be amended to read "**Section 7(A), Preparation Requirements for Solid Waste Not Collected Curbside or Roadside**".

5. The following Section shall be inserted immediately following Section 7(A):

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.

6. **Section 8, "Ownership of Solid Waste"** is amended by replacing the term "Commercial Solid Waste Hauler or Commercial Solid Waste Contractor" with "licensed private contractor".

7. **Section 9, "Collection of Solid Waste"**, is amended to add the following provisions:

"(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 or 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 material 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, also known as Transfer Stations, 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.

8. Section 13, "Service Fees" shall be amended to Section 13(A), "Service Fees for Use of Transfer Stations".

9. The following Section shall be inserted immediately following Section 13(A):

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.

PASSED, APPROVED, and ADOPTED this 28th day of May, 2013, by the Board of County Commissioners of Santa Fe County.

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

By: Kathy Holian
Kathy Holian, Chair

ATTEST:

Geraldine Salazar
Geraldine Salazar, Santa Fe County Clerk



APPROVED AS TO FORM:

Stephen C. Ross
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 18

I Hereby Certify That This Instrument Was Filed for
Record On The 29TH Day Of May, 2013 at 03:59:16 PM
And Was Duly Recorded as Instrument # 1707202
Of The Records Of Santa Fe County

Deputy Marella Salazar Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

FILED IN INSTRUMENT 85/29/2013

PROPOSED CITY ANNEXATIONS PHASE II

ROUTE NAME	ROUTE NUMBER
Country Club Estates	
Fairly Road	
Calle de Vencejo	
Calle Zanate	
Calle Chupa Rosa	
Calle Tangara	
Jimenez Subdivision	
Morning Drive	
Morning Street	
Morning Lane	
Town and Country Subdivision	
Camino Jalisco	
Calle VeraCruz	
Durango Drive	
Rancho de la Luna Subdivision	
Florence Road	
Barton	
Prince Road	
Remuda Ridge Subdivision	
North Chapparral	
Reata Road	
Chalan Road	
Camino Charro	
Calle Prado	
South Chapparral	
Chalan Way	
Other Roads	
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
Other Roads Continued	
Academy Rd	

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<i>ROUTE NAME</i>	<i>ROUTE NUMBER</i>
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	

SFC CLERK RECORDED <66/25/2013>

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	

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Exhibit A-Page 1



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Legend

- City Limits
- Agua Fria Boundary
- County_Roads_4-13-2012
- PUBLISH TRANSPORTATION ROADS

annex_city_cnty_agreemnt

- <all other values>

Phase

- 0
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- 2
- 3
- Export_Output_11
- county.bndy

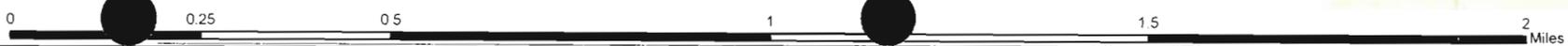


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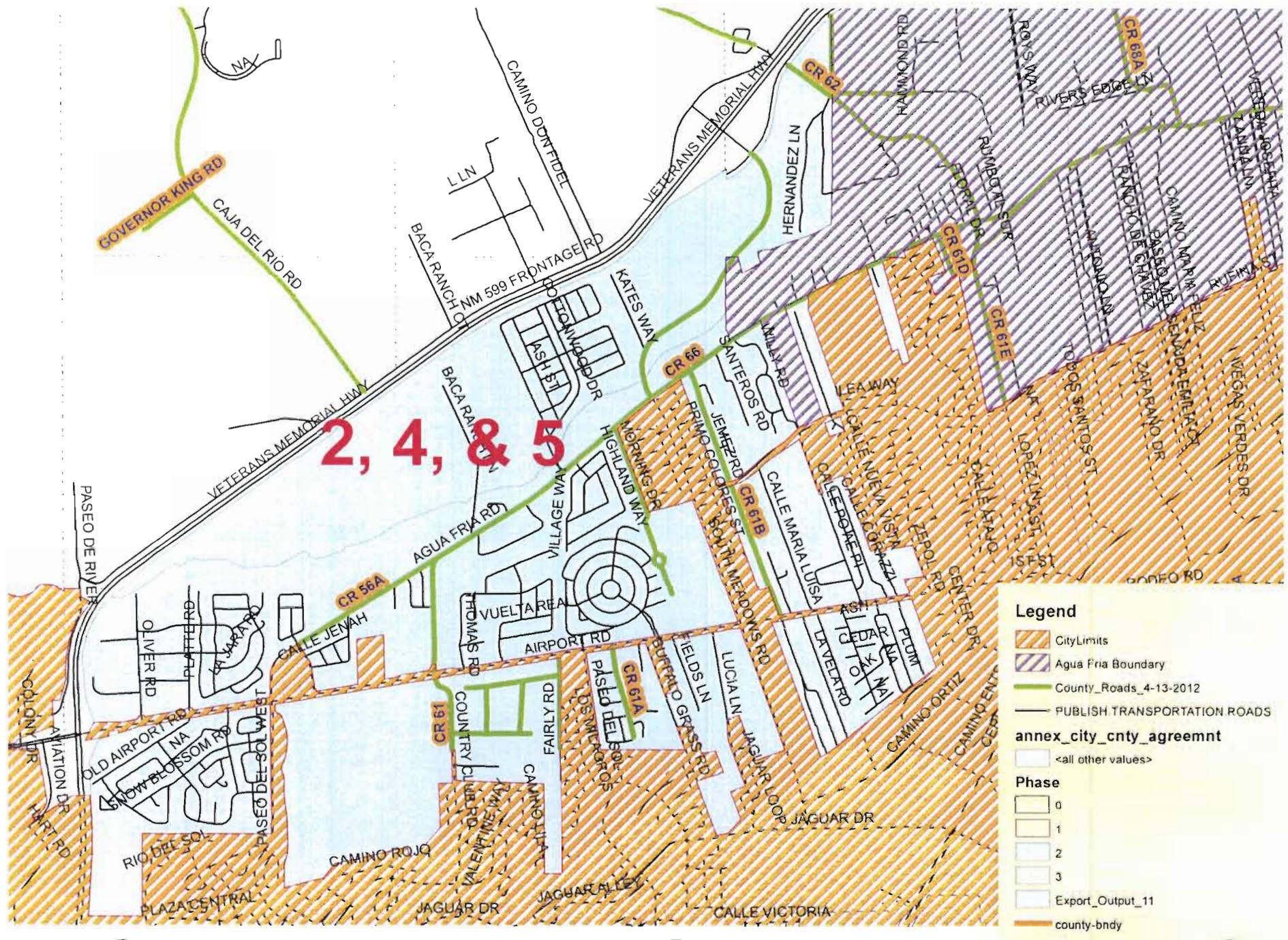


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