


**NO PACKET MATERIAL FOR THIS
ITEM**

EXECUTIVE SESSION

**SANTA FE COUNTY
LEGAL DEPARTMENT
MEMORANDUM**

To: The Board of County Commissioners
Katherine Miller, County Manager

From: Stephen C. Ross, County Attorney 

Date: May 13, 2013

Re: Proposed Ordinance Creating Definitions, Rules of Interpretation, General Rules of Construction, Adopting the 2013 Codification of Ordinances By and For the County of Santa Fe, New Mexico

In this fiscal year's budget, the legal department was authorized to complete the task of codifying County ordinances. The project is almost complete; all that remains is: (i) to enact an ordinance that provides general rules of interpretation and other general matters (proposed ordinance attached); (ii) final publication of the codification; and (iii) publication of the codification in a searchable form on the internet.

Once the project is complete, the public will be able to view all County ordinances on the internet in a format that most cities and counties now use. The public will not only be able to locate County ordinances by using subject matter criteria, they will be able to search for words and phrases of interest within the County ordinances. The codification will make County ordinances easier to use, more accessible to the general public, and more convenient for staff and elected officials who will be able to access the compilation at their desks.

The first step in completing the process is adoption of the attached ordinance. This ordinance provides general rules of construction, common definitions, rules of statutory interpretation and general penalties. It also adopts the codification itself as an official codification.

A copy of the proposed ordinance is attached, as well as selected screen shots from the online compilation, for your information.

TITLE I

GENERAL PROVISIONS

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Sec. 10.01 Title of code

This 2002 codification of ordinances by and for the County of Santa Fe, New Mexico, shall be designated as the "Santa Fe Code of Ordinances" and may be cited herein as "this code" or "this code of ordinances."

Sec. 10.02 Interpretation

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

Sec. 10.03 Application to future ordinances

All provisions of title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

Sec. 10.04 Captions

Headings and captions used in this code other than the title, chapter, subchapter and section number are employed for reference purposes only and shall not be deemed a part of the text of any section.

Sec. 10.05 Definitions

- (A) (1) Words and phrases shall be taken in their plain, ordinary and usual sense.
- (2) However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Appointed official. Any person appointed to a board, commission or advisory body, in accordance with this code of ordinances. Appointed officials are not subject to the provisions of the county personnel ordinance and shall serve at the pleasure of the governing body and the county manager.

Classified employee. A person employed by the county who is entitled to grievance in accordance with the personnel policies and work rules and who is not exempt under the Fair Labor Standards Act.

Code or code of ordinances. The county's code of ordinances, as modified by amendment, revision and adoption of new chapters, subchapters or sections.

County. Santa Fe County, New Mexico.

County board of commissioners or board of county commissioners. The governing body of the County of Santa Fe, New Mexico.

County manager. The elected officer of the county who exercises administrative control and supervision over the county and hires or appoints directors of all county departments. Where applicable, the term county manager means those persons whose authority has been granted by the county manager.

Elected official. Those county officials elected under the laws of the state, specifically, the county manager, the municipal judge and members of the governing body.

Governing body. The county manager and the members of the board of county commissioners. The corporate authority of the municipality is vested in this body.

Interpretation. For the purpose of this code and ensuing chapters and appendices and when not inconsistent with the context:

- (1) Words used in the present tense include the future;
- (2) Words in the future tense include the present;
- (3) Words in the plural include the singular;
- (4) Words in the singular include the plural;
- (5) The word "shall" is always mandatory and not merely directory; the word "may" is permissive; and
- (6) The impersonal pronouns "he," "him" and "himself" shall denote either the feminine or the masculine gender.

Month. A calendar month.

Municipal officer. Any appointed employee. A municipal officer is limited to a department director.

Oath. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in such cases, the words swear and sworn shall be equivalent to the words affirm and affirmed.

Officer, office, employee, commission or department. An officer, office, employee, commission or department of the county unless the context clearly requires otherwise.

Person.

- (1) Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee or receiver.

TITLE XIII

GENERAL OFFENSES

CHAPTER 130: CONTROLLED SUBSTANCES; IMITATIONS

Sec. 130.01 Definitions

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Controlled substance. A substance, as defined in NMSA, section 30-31-2E.

Distribute. The transfer, delivery or dispensing to another of an imitation controlled substance.

Imitation controlled substance. A substance that is not a controlled substance, but which, by overall dosage unit, appearance, including color, shape, size and markings, or by representations made would lead a reasonable person to believe that the substance is a controlled substance. In those rare cases when the appearance of the dosage unit is not reasonably sufficient to establish that the substance is an imitation controlled substance, for example, in the case of powder or liquid, the court or authority concerned should consider, in addition to all other logically relevant factors, the following factors, as related to "representations made," in determining whether the substance is an imitation controlled substance:

- (1) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, of its use or of its effect;
- (2) Statements made to the recipient that the substance may be resold for consideration greatly in excess of the market value of the ingredients;
- (3) Whether the substance is packaged in a manner normally used for illicit controlled substances;
- (4) Evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities;
- (5) Prior convictions, if any, of the owner or anyone in control of the object, under state or federal law, related to controlled substances or fraud, provided that this factor alone shall not be sufficient to support a conviction under this subchapter; and/or
- (6) Whether the physical appearance of the substance is substantially identical to a controlled substance.

Manufacture. The production, preparation, compounding, processing, encapsulating, tableting, packaging or repackaging or labeling or relabeling of an imitation controlled substance.

(Ordinance 1982-04, adopted 7/6/82)

Sec. 130.02 Manufacture and distribution of imitation controlled substances

It is unlawful for any person to, knowingly or under circumstances where a person reasonably should know, manufacture, distribute or possess, with intent to distribute, an imitation controlled substance. (Ordinance 1982-04 adopted 7/6/82) Penalty, see section 130.99

Sec. 130.99 Penalty

(A) Any person who violates the provisions of section 130.02 is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$300.00 or imprisoned for not more than 90 days, or both.

(B) In any prosecution for unlawful distribution or possession with intent to distribute of an imitation controlled substance, it is no defense that the defendant believed the imitation controlled substance to be a controlled substance.

(C) No criminal liability shall be imposed by sections 130.01 and 130.02 on any person who may lawfully manufacture or distribute controlled substances under NMSA, section 30-31-12, who manufactures, distributes or possess, with intent to distribute, an imitation controlled substance for use as a placebo by a registered practitioner in the course of professional practice or research.

(Ordinance 1982-04 adopted 7/6/82)

CHAPTER 131: NOISE CONTROL AND PUBLIC NUISANCES

GENERAL PROVISIONS

Sec. 131.01 Title

Sections 131.01 through 131.42 shall be known as the Santa Fe County Noise Control and Public Nuisance Ordinance. (Ordinance 2009-11, sec. 1, adopted 10/27/09)

Sec. 131.02 Definitions

Idling speed. A speed at which an engine will run when no pressure is applied to the accelerator or accelerator linkage.

Noise sensitive unit. Any building or portion thereof, vehicle, or other structure adapted or used for the overnight accommodation of persons, including, but not limited to, individual residential units, individual apartments, trailers, hospitals, and nursing homes.

Person. Any individual, any public or private corporation, association, partnership, or other legally recognized public or private entity.

Plainly audible. Unambiguously communicated to the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech which are distinguishable as raised or normal.

Sound producing device.

- (1) Loudspeakers, public address systems;

(Ordinance 2009-11, sec. 8, adopted 10/27/09)

PUBLIC NUISANCES

Sec. 131.40 Acts declared a public nuisance

(A) Abandoned property. Any deteriorated, wrecked, dismantled or partially dismantled, inoperable and/or abandoned property in unusable condition having no value other than nominal scrap or junk value, which has been left unprotected outside of a permanent structure from the elements. Without being so restricted this shall include deteriorated, wrecked, dismantled or partially dismantled, inoperable, abandoned motor vehicles, abandoned mobile homes, trailers, boats, machinery, refrigerators, washing machines and other appliances, plumbing fixtures, furniture, building materials and any other similar articles in such condition.

(B) Breeding place for flies, rodents and/or pests. The unhealthful accumulation or stockpiling of manure, garbage, tires, debris or discarded items which is a potential harboring place and breeding area for flies and rodents.

(C) Burning of any excrement, chemical or plastic substances, or any liquid or substance in violation of federal or state dischargeable substances statutes or county ordinances on any property. This includes the burning of any tires, rubber products, asphalt shingles, plastic, tar paper or any substance which may cause a black, hydrocarbon, toxic, or noxious plume of smoke.

(D) Combustible materials. Any dangerous accumulation upon any property of combustible refuse matter such as papers, sweepings, rags, grass, dead trees, tree branches, wood shavings, wood, magazines, cardboard, etc.

(E) Dead animals. For the owner of a dead animal to permit it to remain undisposed for more than seventy-two (72) hours.

(F) Disposal or dumping. The accumulation of garbage, refuse, waste, trash, rubbish or building materials upon any property outside an approved landfill.

(G) Dangerous buildings. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard.

(H) Odors. All disagreeable or obnoxious odors or stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires, except the odors from existing agricultural lands.

(I) Pollution. The pollution of any public well, stream, lake, canal, or body of water by sewage, dead animals, dairy waste, industrial wastes, agricultural wastes, or other substances.

(J) Illegal activity. Any building, structure, or other place or location where any activity is conducted, performed or maintained in violation of local, state, or federal law.

(Ordinance 2009-11, sec. 9, adopted 10/27/09)

Sec. 131.41 Prohibitions and enforcement

It shall be unlawful for any person who is the owner of property to cause, permit, maintain, or allow the creation or maintenance of a public nuisance as described in section 131.40 hereof on such property. For purposes of this chapter the owner of property means the person in control of the property, or the owner's representative, an agent or attorney-in-fact of the owner. Enforcement of a violation of section 131.40, and administration, supervision or performance of actions taken pursuant to section 131.42 shall be through the county land use department. (Ordinance 2009-11, sec. 10, adopted 10/27/09)

Sec. 131.42 Removal of public nuisance

(A) Whenever the county finds that a person has caused, permitted, maintained or allowed the creation or maintenance of a public nuisance, the county shall give or cause to be given written notice of violation of this chapter by certified mail to the owner of property on which the public nuisance is situated that the public nuisance must be permanently removed within fifteen (15) calendar days of notice being sent.

(B) The owner of property may elect to have the county remove the public nuisance if the county, in its sole discretion, determines that it has sufficient staff and resources to complete the removal. The owner of the property may be required to reimburse the county for the removal and related administrative costs.

(C) The county may apply to a court of competent jurisdiction for an order or orders to compel removal of a public nuisance.

(Ordinance 2009-11, sec. 12, adopted 10/27/09)

CHAPTER 132: GRAFFITI

Sec. 132.01 Title

This chapter may be cited as the "Santa Fe County Graffiti Ordinance." (Ordinance 2007-12, sec. 1, adopted 11/13/07)

Sec. 132.02 Public nuisance; owner's duty to remove

(A) The board of county commissioners (hereinafter referred to as "the board") hereby declares that graffiti is a public nuisance that, if not promptly removed, will attract additional graffiti and has the effect of depressing property values and makes the county a less desirable place to live and visit.

(B) Any owner or person in control of real or personal property defaced by graffiti has a duty to timely abate or cause it to be removed.

(Ordinance 2007-12, sec. 2, adopted 11/13/07)

Sec. 132.03 Authority

This chapter is enacted pursuant to the authority in NMSA 1978, section 4-37-1 (1975) (as amended) to make and publish any ordinance to discharge the powers not inconsistent with statutory or constitutional limitations placed on counties. NMSA 1978, section 3-18-17(A) (1963) (as amended) permits a county "by ordinance [to] define a nuisance, abate a nuisance and impose penalties upon a person who creates or allows a nuisance to exist." NMSA 1978, section 4-37-3 (1993) (as amended) permits the county's enforcement "by prosecution for violations of [its] ordinances in any court of competent jurisdiction of the county." (Ordinance 2007-12, sec. 3, adopted 11/13/07)

Sec. 132.04 Definitions

Abate To permanently remove or obscure so as to make graffiti indistinguishable.

Graffiti. Any inscription, work, figure, or design marked, etched, scratched, drawn, or painted on any surface without the express permission of the owner.

Owner. The owner that owns property upon which graffiti is found, the person in control of that property, or the owner's representative, an agent or attorney-in-fact of the owner.

(Ordinance 2007-12, sec. 4, adopted 11/13/07)

Sec. 132.05 Abatement

(A) Whenever the county finds that graffiti has been placed upon a structure, vehicle, improvement or natural feature within the county which is visible from a public right-of-way or county-owned land, the county shall give or cause to be given written notice of violation of this chapter by certified mail to the owner that the graffiti shall be abated within fifteen (15) calendar days of notice being sent.

(B) The owner may elect to have the county abate the graffiti if the county, in its sole discretion, determines that it has sufficient staff and resources to complete the abatement. The owner may be required to reimburse the abatement and related administrative costs.

(Ordinance 2007-12, sec. 5, adopted 11/13/07)

Sec. 132.99 Enforcement; penalty

(A) Any person may report alleged graffiti or a violation of this chapter to the county.

(B) Any person found guilty of violating this chapter may be punished in accordance with NMSA 1978, section 4-37-3 (as amended).

(C) The county may apply to a court of competent jurisdiction for an order or orders to compel abatement of graffiti.

(Ordinance 2007-12, sec. 6, adopted 11/13/07)

CHAPTER 133: DRIVING UNDER THE INFLUENCE

Sec. 133.01 Vehicle nuisance

A motor vehicle is hereby declared to be a nuisance and subject to forfeiture pursuant to the provisions of this chapter if it is:

- (1) Operated in the unincorporated areas of the county by a person who has been convicted of two prior driving while intoxicated offenses and is arrested for a third or subsequent offense of driving under the influence of intoxicating liquor or drugs; or
- (2) Operated in the unincorporated areas of the county by a person whose license is revoked as a result of one or more convictions for driving while intoxicated or revoked as a result of a driving while intoxicated arrest.

(Ordinance 2006-05, sec. 1, adopted 4/25/06)

Sec. 133.02 Vehicles subject to forfeiture

Except as otherwise provided herein, any motor vehicle which has been declared a vehicle nuisance as defined above shall be subject to temporary seizure or permanent forfeiture. (Ordinance 2006-05, sec. 11, adopted 4/25/06)

Sec. 133.03 Seizure; forfeiture proceeding

(A) Motor vehicles subject to forfeiture under this chapter may be temporarily seized by the sheriff or any deputy sheriff of the county.

(B) Temporary seizure may be made if it is incident to an arrest of the driver of the vehicle for either driving while intoxicated (third offense, two prior convictions) or driving while his or her license is revoked as a result of a driving while intoxicated arrest.

(C) A vehicle temporarily seized under this chapter shall not be subject to replevin, but is deemed to be in the custody of the sheriff or deputy sheriff seizing it subject only to the orders and decrees of the district court. The sheriff or deputy sheriff may take custody of the vehicle and remove it to an appropriate and official location within the district court's jurisdiction for disposition in accordance with this chapter. The sheriff shall establish reasonable towing and storage fees for vehicles temporarily seized in accordance with this chapter.

(D) Immediately after a vehicle is temporarily seized as provided above, the sheriff or arresting deputy shall serve a copy of the notice of forfeiture upon the individual from whom the vehicle was seized at the time of arrest. A copy of the notice of forfeiture will be mailed postage prepaid to the lawfully registered owner as verified by the state motor vehicle division. The notice shall include the following:

- (1) The license plate number, make, type and color of the vehicle;
- (2) The location from which the vehicle was temporarily seized;
- (3) A statement that the vehicle has been taken into custody and stored;
- (4) The reason for temporary seizure;
- (5) A name, phone number and title of the county employee from whom the owner can obtain further information;
- (6) A statement that daily storage charges will be assessed in addition to a towing charge;
- (7) A statement that the owner has the right to contest the validity of the impoundment by requesting a hearing in writing within ten (10) business days of the date of mailing of the notice of forfeiture; and
- (8) A copy of the ordinance from which this chapter derives.

(E) The owner may request that a hearing be scheduled before a county hearing officer, appointed by the county manager. The hearing shall be held within ten (10) business days of receipt of the request unless the hearing is continued with agreement of the parties. The hearing shall be informal and not bound by the technical rules of evidence. The county hearing officer shall only determine whether the law enforcement officer had probable cause to seize the vehicle. The county hearing officer shall mail written notice of his or her decision to the owner within two (2) working days of the hearing. If the county hearing officer finds that the law enforcement officer did not have probable

SANTA FE COUNTY

Ordinance No. 2013-_____

AN ORDINANCE CREATING DEFINITIONS, RULES OF INTERPRETATION, GENERAL RULES OF CONSTRUCTION, ADOPTING THE 2013 CODIFICATION OF ORDINANCES BY AND FOR THE COUNTY OF SANTA FE, NEW MEXICO

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO.**

Section 1. Title of Code. This 2013 codification of ordinances by and for the County of Santa Fe, New Mexico, shall be designated as the "Santa Fe County Code of Ordinances" and may be cited herein as "the code" or "the code of ordinances."

Section 2. Interpretation. Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of the code as those governing the interpretation of State law.

Section 3. Application of Future Ordinances. All provisions of Title I, compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing the code unless otherwise specifically provided.

Section 4. Captions. Headings and captions used in the code other than the title, chapter, subchapter and section number are employed for reference purposes only and shall not be deemed a part of the text of any section.

Section 5. Definitions.

(A) (1) Words and phrases shall be taken in their plain, ordinary and usual sense.

(2) However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) For the purpose of the code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) Appointed official. Any person appointed to a board, commission or advisory body, in accordance with the code of ordinances.

(2) Code or code of ordinances. The county's code of ordinances, as modified by amendment, revision and adoption of new chapters, subchapters or sections.

- (3) County. Santa Fe County, New Mexico.
- (4) The board of county commissioners. The governing body of the County of Santa Fe, New Mexico.
- (5) County manager. The person appointed pursuant to NMSA 1978, § 4-38-19. Where applicable, the term county manager also means those persons whose authority has been granted in an acting capacity by the county manager.
- (6) Elected official. Those county officials elected under the laws of the state, specifically, the county clerk, treasurer, assessor, sheriff, probate judge, and the board of county commissioners.
- (7) Month. A calendar month.
- (8) Oath. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath and, in such cases, the words swear and sworn shall be equivalent to the words affirm and affirmed.
- (9) Officer, office, employee, commission or department. An officer, office, employee, commission or department of the county unless the context clearly requires otherwise.
- (10) Person.
- (1) Extends to and includes a person, persons, firm, corporation, copartnership, trustee, lessee or receiver.
 - (2) Whenever used in any clause prescribing and imposing a penalty, the terms person or whoever, as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.
- (11) Preceding or following. Next before or next after, respectively.
- (12) State. The State of New Mexico.
- (13) Written. Any representation of words, letters or figures, whether by printing or otherwise.
- (14) Year. A calendar year unless otherwise expressed.

Section 6. Rules of Interpretation. The construction of all ordinances of the county shall be by the following rules unless the construction is plainly repugnant to the intent of the governing body or of the context of the same ordinance:

- (1) Words used in the present tense include the future;
- (2) Words in the future tense include the present;
- (3) Words in the plural include the singular;
- (4) Words in the singular include the plural;
- (5) The word "shall" is always mandatory and not merely directory; the word "may" is permissive; and
- (6) The impersonal pronouns "he", "him" and "himself" shall denote either the feminine or the masculine gender.
- (7) "And" or "or". Either conjunction shall include the other as if written "and/or," if the sense requires it.
- (8) Acts by assistants. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement shall be satisfied by the performance of the act by an authorized agent or deputy.
- (9) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Section 7. Severability. The provisions of the code of ordinances are severable, and if any provision, subchapter, section, division, clause, sentence or part thereof is held to be illegal, invalid, unconstitutional or inapplicable to any person, persons, circumstances, situation or otherwise, the illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining sentences, clauses, divisions, sections, subchapter or parts of the code of ordinances, or their applicability to other persons, circumstances or situations.

Section 8. Reference to other sections. Whenever, in one section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

Section 9. Reference to offices. Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the county exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Section 10. Errors and omissions.

(A) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the

use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

(B) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

Section 11. Official time. The official time, as established by applicable state/federal laws, shall be the official time within the county for the transaction of all county business.

Section 12. Reasonable time.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

- (B) (1) The time within which an act is to be done shall be computed by excluding the first day and including the last.
- (2) If the last day be a Saturday, Sunday or county holiday, it shall be excluded.

Section 13. Ordinances repealed.

(A) The code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by the code shall be deemed repealed from and after the effective date of the code.

Section 14. Ordinances unaffected. All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in the code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

Section 15. Effective date of ordinances. An ordinance shall not become effective until thirty (30) days after it has been recorded with the County Clerk unless passed and approved as an emergency measure, in which event it shall become effective immediately following publication or at a subsequent date determined by the governing body.

Section 16. Repeal or modification of ordinance.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall

continue in force until the recording of the ordinance repealing or modifying it when publication is required to give effect thereto unless otherwise expressly provided.

(B) No suit, proceeding, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall, in any way, be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision unless it is expressly provided.

Section 17. Ordinances which amend or supplement code.

(A) If the governing body shall desire to amend any existing chapter, subchapter or section of the code, the chapter, subchapter or section shall be specifically repealed and a new chapter, subchapter or section, containing the desired amendment, substituted in its place.

- (B) (1) Any ordinance which is proposed to add to the existing code a new chapter, subchapter or section shall indicate, with reference to the arrangement of the code, the proper number of the chapter, subchapter or section.
- (2) In addition to the indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

Section 18. Section histories; State law references.

(A) As histories for the code sections, the original ordinance and the most recent three amending ordinances, if any, are listed. Example: (Ordinance 93 adopted 1/20/80; Ordinance 98 adopted 1/20/90; Ordinance 99 adopted 1/20/00)

- (B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example:

Sec. 70.03 Stopping, standing or parking prohibited

No person shall move a vehicle, not lawfully under his or her control, into any prohibited area or away from a curb a distance as is unlawful.
(NMSA 1978, Section 66-7-351)

- (2) If a statutory cite is set forth as a "State law reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

Sec. 70.02 Local authority; enforcement

The county has the power to regulate the standing or parking of vehicles with respect to street and highways under its jurisdiction and within reasonable exercise of its police power. (Ordinance 2000-10 adopted 9/12/00)

State law reference-Authority, see NMSA 1978, Section 66-7-9.

Section 19. General penalty.

(A) County ordinances may be enforced by prosecution for violations of those ordinances in any court of competent jurisdiction of the county. Penalties for violations of any county ordinances shall not exceed a fine of \$300.00 or imprisonment for 90 days or both the fine and imprisonment; except that the county may enact and enforce ordinances that impose the following penalties in addition to any other penalty provided by law:

- (1) No more than \$1,000.00 for discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized landfill;
- (2) No more than \$5,000.00 for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act (NMSA chapter 74, article 4); and
- (3) No more than imprisonment for 364 days or a fine of \$1,000.00, or both, for violation of an ordinance regarding driving while under the influence of intoxicating liquor or drugs.

Section 20. County standards.

Section 21. Commission districts. As of the first day of January, 1991, the county shall be divided by precinct into five compact, contiguous, and substantially equally populated county commission districts as follows:

District 1: County commission district one shall be comprised of the following precincts: 1, 2, 3, 4, 5, 6, 7, 8, 10, 20, 21, 22, 23, 25, 26, 27, 28, 30, 40, 58, 59, 60, 61, 79, 83, 87.

District 2: County commission district two shall be comprised of the following precincts: 11, 24, 31, 32, 33, 34, 64, 66, 67, 80, 82.

District 3: County commission district three shall be comprised of the following precincts: 12, 15, 16, 17, 18, 19, 62, 72, 73, 75, 84, 85, 86.

District 4: County commission district four shall be comprised of the following precincts: 9, 13, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53, 54, 55, 57, 63, 68, 77, 81.

District 5: County commission district five shall be comprised of the following precincts:
14, 29, 35, 38, 39, 49, 50, 56, 65, 69, 70, 71, 74, 76, 78, 88.

(Ordinance 2011-08 adopted 10/11/11).

PASSED, APPROVED AND ADOPTED, on this ____ day of _____, 2013 by the Santa Fe
County Board of County Commissioners.

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

Kathy Holian, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:

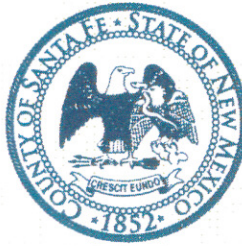


Stephen C. Ross, County Attorney

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: May 13, 2013

TO: Board of County Commissioners

FROM: Adam Leigland, Public Works Director *AL 5/15/13*

VIA: Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting May 28, 2013

ORDINANCE 2013-____, 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 (ONE PUBLIC HEARING REQUIRED) (PUBLIC WORKS/ADAM LEIGLAND)

BACKGROUND AND SUMMARY:

The Public Works Department is requesting that the solid waste ordinance 2010-5 be amended to create mandatory curbside and roadside solid waste collection districts within certain areas of the County. As committed through the annexation agreement, between the County and the City of Santa Fe, the County would adopt an ordinance mandating curbside and roadside collection within the proposed annexation areas.

ACTION REQUESTED:

The Public Works Department requests approval of subject ordinance to amend 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 within the annexation areas.

ORDINANCE 2013-__

**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,

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 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.

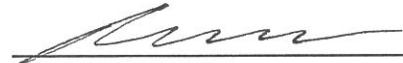
**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Kathy Holian, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, County Attorney

PROPOSED CITY ANNEXATIONS PHASE II

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

<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	

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

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

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

Exhibit A-Page 1

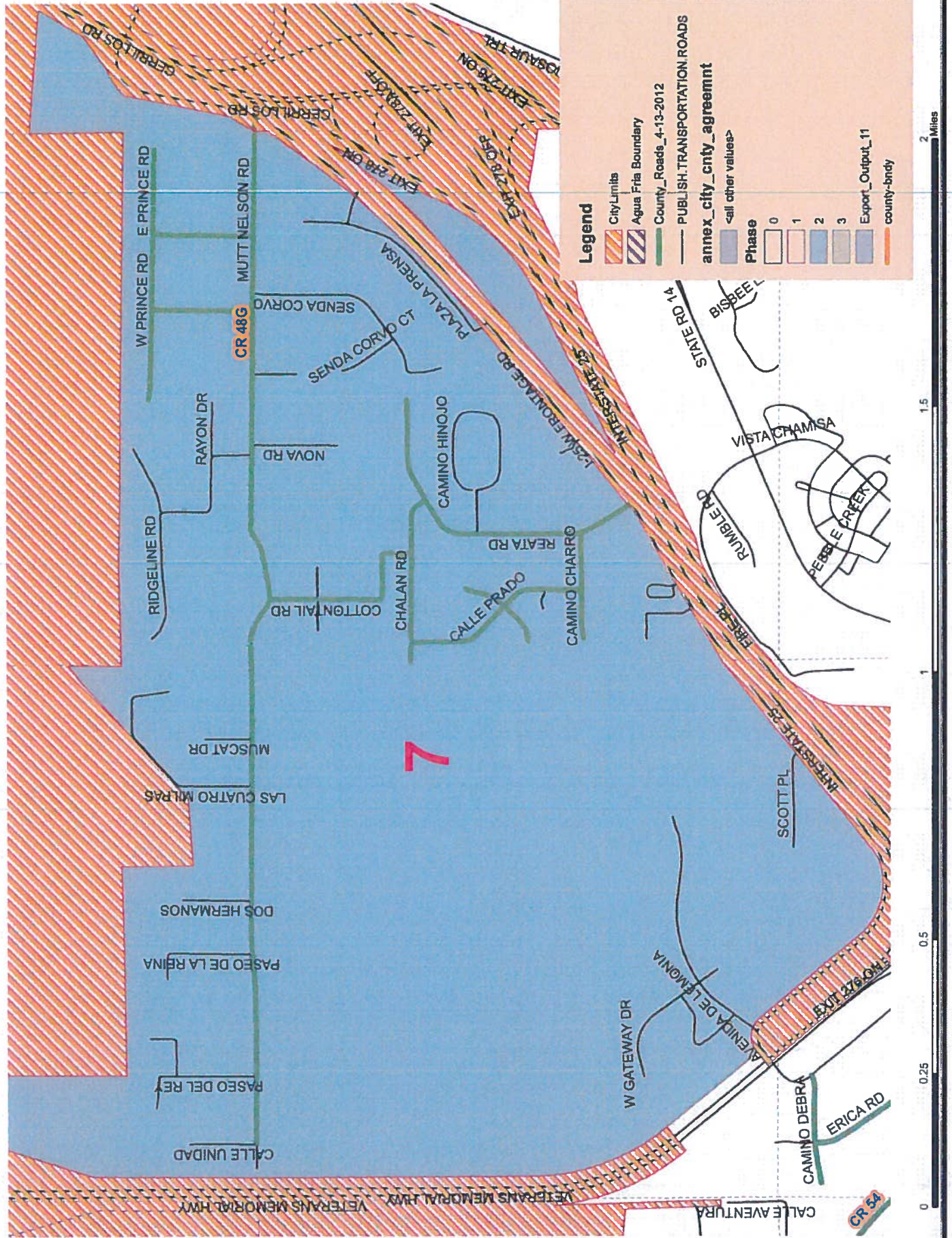
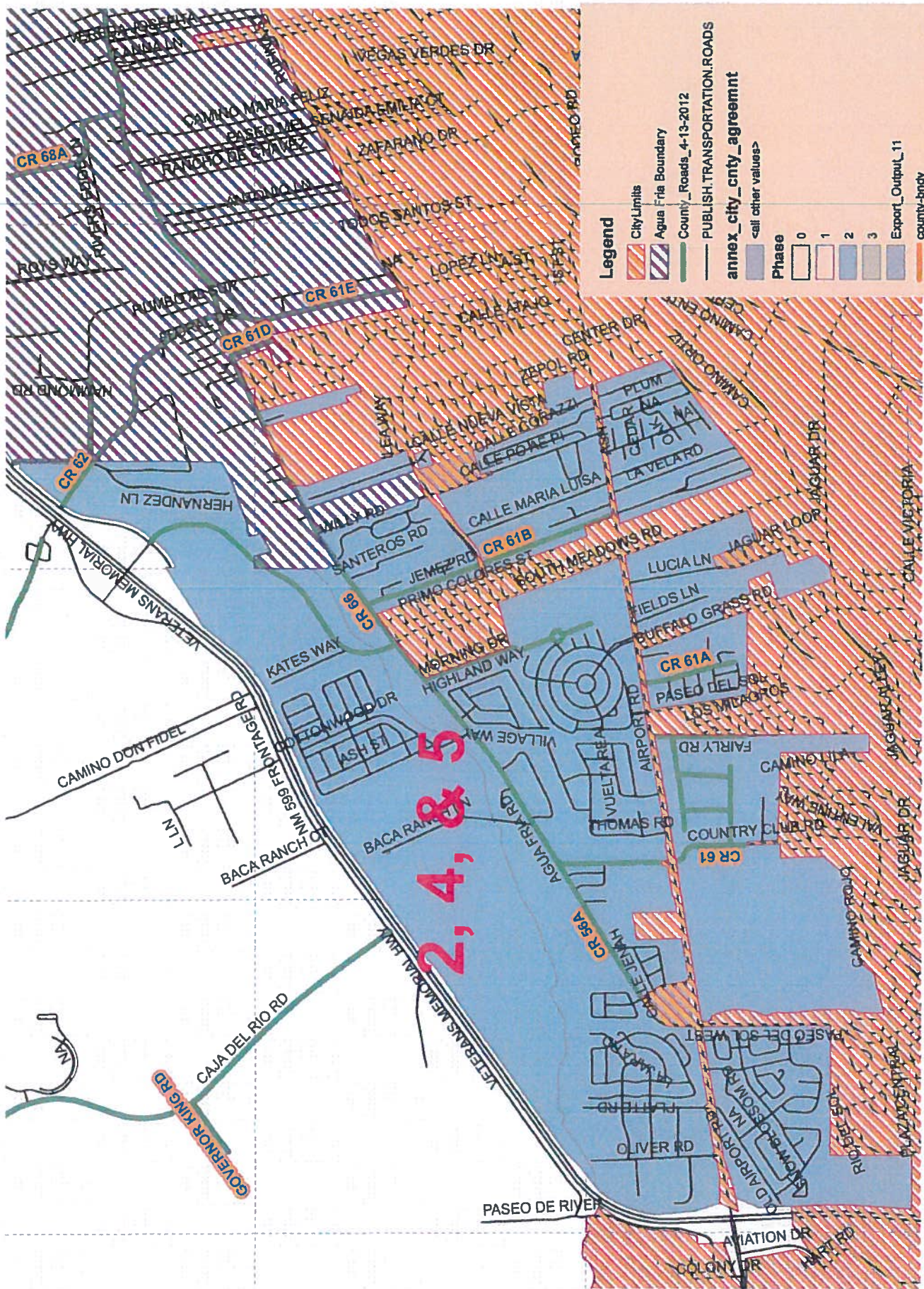


Exhibit A-Page 2



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Exhibit A-Page 3

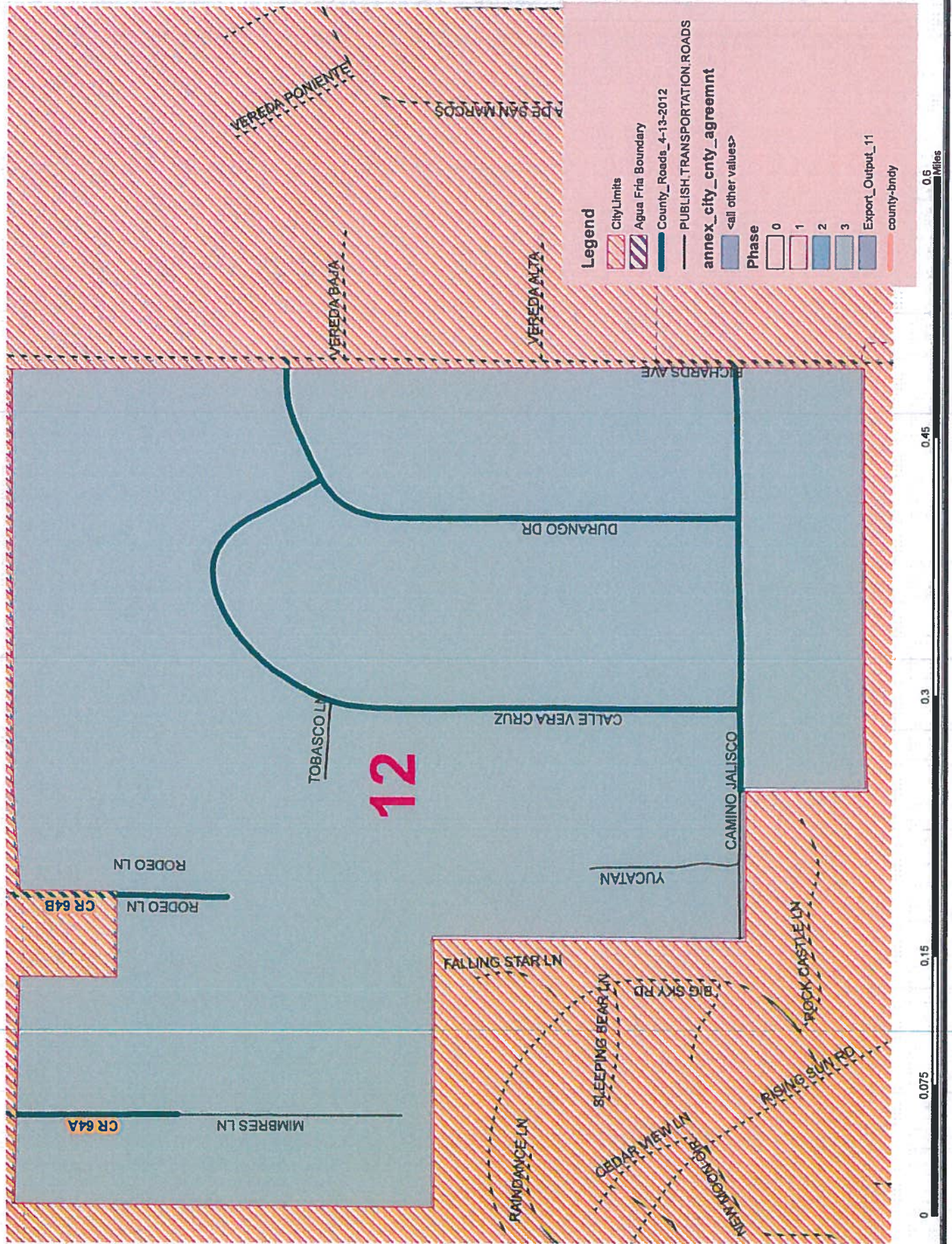


Exhibit A-Page 4

