Daniel "Danny" Mayfield Commissioner, District 1

Miguel 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:

August 26, 2014

TO:

Board of County Commissioners

FROM:

Adam Leigland, Public Works Director Valle 14

VIA:

Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting Sept 30, 2014

Resolution 2014-____, A Resolution Endorsing the Concept of Regionalization of Water and

Wastewater Services for and within Santa Fe County

SUMMARY:

Approval of this resolution will indicate the BCC's endorsement of the concept of regionalization of water and wastewater services.

BACKGROUND:

In accordance with its calendar year 2014 work plan, the Water Policy Advisory Committee presented to the BCC at the August 26, 2014, meeting a series of six recommendations on regionalization of water services in Santa Fe County, and included a draft resolution for review articulating this.

The BCC approved the six recommendations. Now staff is bringing forward the draft resolution for BCC approval.

REQUESTED ACTION:

Approval of the attached resolution.

THE BOARD OF COUNTY COMMISIONERS OF SANTA FE COUNTY

RESOLUTION NO. 201	L4
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A RESOLUTION ENDORSING THE CONCEPT OF REGIONALIZATION OF WATER AND WASTEWATER SERVICES FOR AND WITHIN SANTA FE COUNTY

WHEREAS, the Board of County Commissioners (Board) of Santa Fe County (County) seeks to establish and maintain a sustainable long-term water supply capable of meeting the County's present and future needs; and

WHEREAS, the County's Sustainable Growth Management Plan identifies regional water planning and centralized water and wastewater service provision as "keys to sustainability"; and

WHEREAS, the Santa Fe County Conjunctive Management Plan for the Santa Fe Basin calls for "regional cooperation and coordination" of all water stakeholders; and

WHEREAS, the Jemez y Sangre Regional Water Plan accepted by the New Mexico Interstate Stream Commission in 2003, which covers the County north of the Ortiz Mountains, recommends the "establishment of a regional water authority to better manage water resources"; and

WHEREAS, the *Estancia Basin Water Plan* accepted by the New Mexico Interstate Stream Commission in 1999, which covers the southern portion of the County, including Stanley and Edgewood, recommends the "establishment of a single-focus water resource Basin-wide entity with authority, necessary funding, and a long-term approach"; and

WHEREAS, since 2003, at least three water and wastewater authorities have been created by the New Mexico State Legislature, so as ensure public health and to develop comprehensive water systems, utilizing economies of scale, efficiency, and cost-effective water utility management on a regional scale; and

WHEREAS, numerous water service providers currently contend for customers in the Santa Fe metropolitan area; and

WHEREAS, it is in the interest of all County residents to address water issues, including utility water service, source of supply, and water reuse, in a sustainable regional manner; and

WHEREAS, at the Board's August 26, 2014 meeting, the County's Water Policy Advisory Committee presented a white paper exploring the concept of regional water and wastewater authorities in New Mexico and the potential for the creation of regional water and wastewater authorities within the County, entitled "Water and Wastewater Authority Concept", which included several recommendations; and

WHEREAS, at its August 26, 2014 meeting, the Board adopted the recommendations and directed staff to bring forward a resolution memorializing that adoption.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

- 1. The Board endorses the concept of regionalization of water and wastewater services for and within the County.
- 2. The Board invites the City of Santa Fe and other legal entities that provide water and wastewater services within the Santa Fe greater metropolitan area to hold joint meetings and have discussions with the County to determine the mutual level of interest and ultimate benefits of pursuing a regional water and wastewater authority to operate and maintain water and wastewater utilities in the County within a site-specific area in the vicinity of the City of Santa Fe.
- 3. In light of the Aamodt Settlement Agreement and Regional Water System contemplated thereby, the Board desires to explore with the Pueblo of Pojoaque, Pueblo of Tesuque, Pueblo of Nambe, Pueblo de San Ildefonso, and other legal entities that provide water and wastewater services in the area the mutual level of interest and ultimate benefits of pursuing the regional water and wastewater authority concept to construct, operate, and maintain water utilities and, also importantly, wastewater utilities in the Pojoaque, Nambe, and Tesuque Valley areas, within a site-specific boundary.
- 4. The Board encourages and will endeavor to assist small water or wastewater utilities to pursue collaborations and partnerships in order to improve their economies of scale and long-term sustainability and to increase their technical, managerial, and financial capacity to construct, operate, and maintain a water or wastewater utility.
- 5. The Board invites Rio Arriba County and other legal entities that provide water and wastewater services within the Española Basin to discuss with the County the potential for collaborative efforts to improve water, wastewater, watershed management, and storm water management in site-specific areas of the Española Basin in order to promote and improve basin-wide sustainability of water resources.
- 6. The Board directs staff to continue the process of reviewing and possibly replacing Resolution No. 2012-58, "A Resolution Articulating County Policy Regarding Funding Requests From Private, Quasi-Public, or Public Water And Wastewater Systems For Capital Improvements."
- 7. The Board encourages the State Legislature and Governor to enact legislation that would provide a simple, statutory process to create a regional water and wastewater authority for the management of water and wastewater utility services.

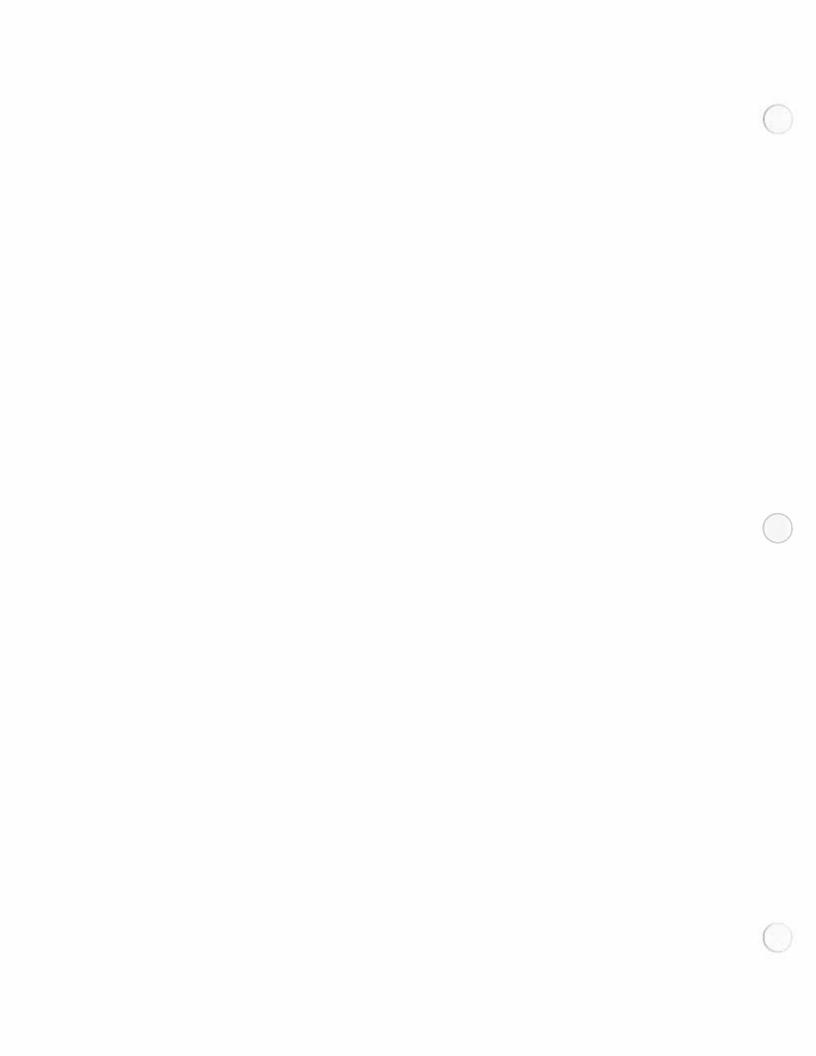
APPROVED, ADOPTED AND PASSED this 30th day of September, 2014.

BOARD OF COUNTY COMMISSIONERS

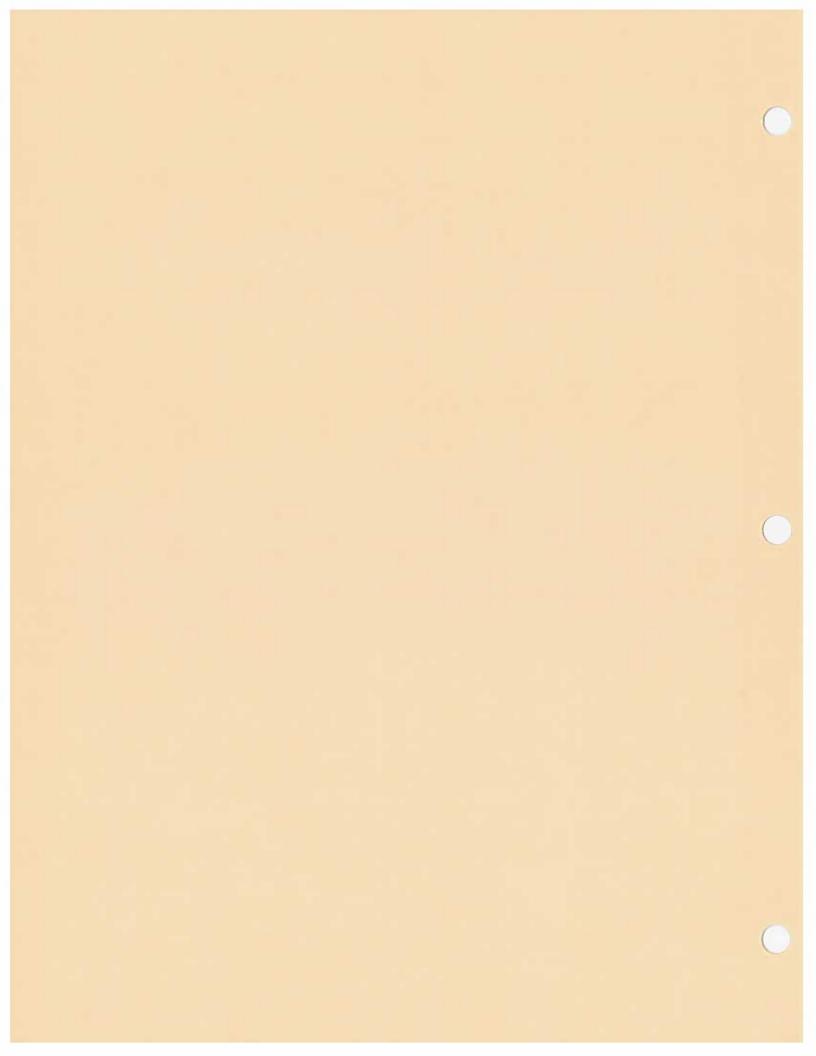
Daniel W. Mayfield, Chairman	
Attest:	
Geraldine Salazar, County Clerk	

Approved as to Form:

Gregory S. Shaffer, County Attorney







Daniel "Danny" Mayfield
Commissioner, District 1

Miguel 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:

September 18, 2014

TO:

Board of County Commissioners

VIA:

Katherine Miller, County Manager

FROM:

Adam Leigland, Public Works Director

ITEM AND ISSUE:

Resolution 2014-____, A Resolution Adopting Policies and Procedures for Proposing Weight Limits on Asphalt Paved Roads Maintained by Santa Fe County

SUMMARY:

Approval of this resolution will create a policy for determining weight limits on County roads.

DISCUSSION:

New Mexico state statute (Section NMSA 1978, § 3-49-1 and § 4-37-1) grants local authorities, with respect to streets under their jurisdiction the right to regulate their use, prohibit injury to them, and regulate traffic on them. The attached resolution establishes a policy by which County roads will be evaluated under statute for the need to impose a weight limit and to arrive at the limiting weight if a weight limit is deemed necessary.

The attached resolution establishes the policy for determining the weight limit on a given County road but doesn't actually impose the weight limit once determined. Actually imposing the weight limit is accomplished by a separate ordinance.

If the BCC imposes a weight limit, staff will properly sign the affected street or road and communicate the weight limit to the relevant law enforcement agencies.

ACTION REOUESTED:

Approval of subject resolution

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOL	UTION	No.	2014 -	

A RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR PROPOSING WEIGHT LIMITS ON ASPHALT PAVED ROADS MAINTAINED BY SANTA FE COUNTY

WHEREAS, Santa Fe County (County) has under its control certain public roads or streets within the County and in connection therewith has the right to regulate their use, prohibit injury to them, and regulate traffic on them, pursuant to NMSA 1978, § 3-49-1 and § 4-37-1; and

WHEREAS, roads paved with asphalt represent a significant investment by the County, since asphalt pavement is the most expensive road construction material; and

WHEREAS, asphalt paved roads are engineered and constructed to withstand specific maximum weights on a regular basis; and

WHEREAS, the Board of County Commissioners of Santa Fe County ("Board") has determined that certain County-maintained asphalt paved roads may be unacceptably injured unless vehicles of excessive weight are prohibited; and

WHEREAS, the County has implemented a best-management-practice pavement preservation system; and

WHEREAS, County records do not always reflect the engineering specifications of existing County asphalt paved roads, which means that core samples or other objective assessment may be necessary to determine the engineering specifications of County asphalt paved roads; and

WHEREAS, the Board desires that an objective, technical, transparent process be promulgated to evaluate the need for and value of any weight limit on any County-maintained asphalt paved road.

NOW, THEREFORE, BE IT RESOLVED by the Board:

- 1. That it hereby adopts and incorporates by this reference Exhibit A, "Policies and Procedures for Proposing Weight Limits on Asphalt Paved Roads Maintained by Santa Fe County"; and
- 2. That no permanent weight restriction will be established pursuant to these policies and procedures except by the Board pursuant to an ordinance adopted by the Board.

PASSED, APPROVED, AND ADOPTED this day of September, 2014.
THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY
By:
ATTESTED:
Geraldine Salazar, County Clerk
APPROVED AS TO FORM:
Gregory S. Shaffer, County Attorney

EXHIBIT A

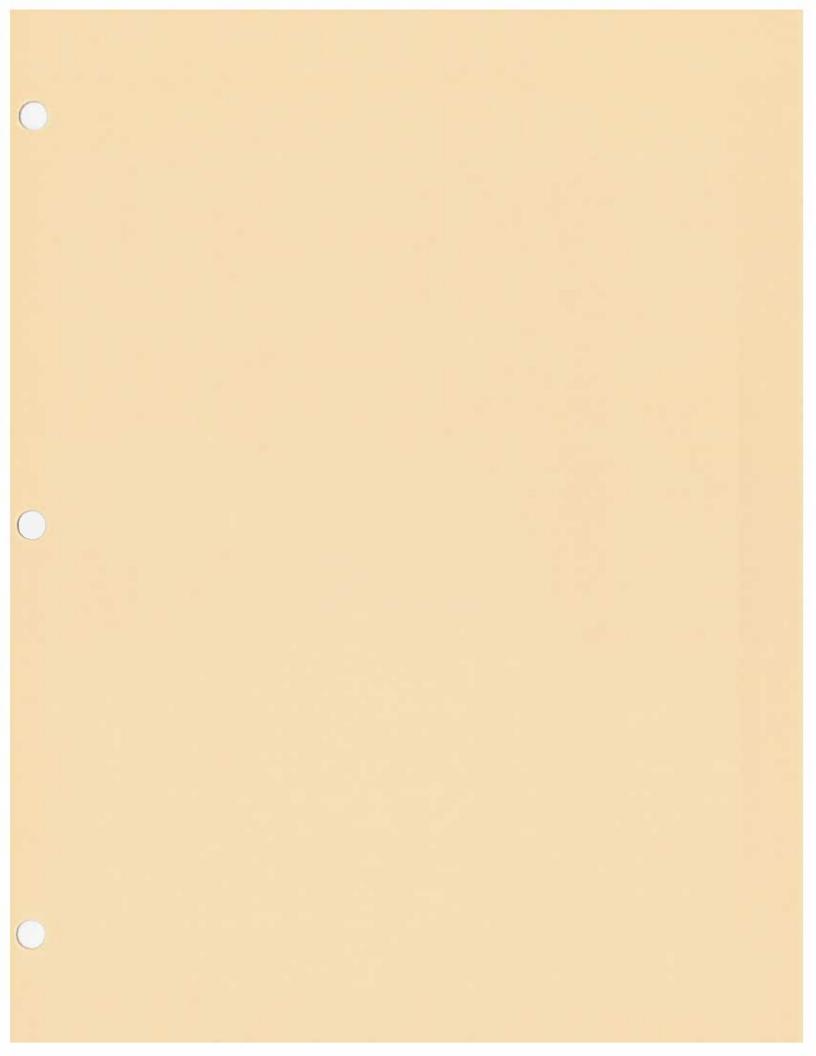
POLICIES AND PROCEDURES FOR PROPOSING WEIGHT LIMITS ON ASPHALT PAVED ROADS MAINTAINED BY SANTA FE COUNTY

- 1. The Public Works Department (Department) may propose a weight limit on an asphalt paved road at the time a road maintained by Santa Fe County (County) is paved or at any other time.
- 2. The Department may initiate the assessment of whether to propose a weight limit on a County asphalt paved road based upon the following:
 - a. observed injury to an asphalt paved road beyond normal expectations;
 - b. analyses conducted or required by the Growth Management Department or other knowledge of a proposed change in the intensity of road usage;
 - c. observation of continuous use of the road by heavy vehicle traffic; or
 - d. pursuant to a plan of assessing asphalt paved roads within the County.

A member of the public may request that the Department undertake an assessment based upon one or more of the basis set forth in Paragraphs 2(a)-(c); provided, however, that the Department shall not be obligated to undertake an assessment if it feels that an assessment is not warranted, due to lack of resources to conduct the requested assessment, or other documented reasons.

- 3. Once the Department initiates the assessment, the Department may:
 - a. conduct a traffic study to determine the actual and anticipated volume of traffic and weight and classification of vehicles traveling the road;
 - b. conduct an assessment to determine the condition of the road pavement; or
 - c. determine the engineering specifications of the road, through core sampling or other objective assessment.
- 4. If the assessment determines that the current and anticipated heavy traffic will not unacceptably injure the asphalt paved road, no further action will be taken.
- 5. If the assessment determines that the current and anticipated heavy traffic will unacceptably injure the asphalt paved road, the Department will propose to the Board of County Commissioners (Board) of Santa Fe County a numerical weight limit for the road, to be established pursuant to an ordinance adopted by the Board, which ordinance shall establish penalties for violations and may contain exceptions and provisions concerning temporary, excessive weight permits.
- 6. These policies and procedures are separate and distinct from the review and approval of any development application submitted pursuant to the Land Development Code or Sustainable Land Development Code.
- 7. Nothing in this Policy limits the Department Director's authority to temporarily designate and post special weight limits on any portion of a County-maintained road in need of immediate additional protection due to weakness of the roadbed or structure due to

deterioration, climatic conditions, or other special or temporary conditions that are likely to cause serious damage in the absence of such special limitations.





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

DATE:

September 18, 2014

TO:

Board of County Commissioners

VIA:

Katherine Miller, County Manager Aw

FROM:

Chris M. Barela, Constituent Service Liaison District 3

RE:

Risk Management

Board of County Commission meeting, September 30, 2014

BACKGROUND AND SUMMARY:

Each County throughout the state of New Mexico, in the interest of the employees, elected officials and the citizens, should adopt and adhere to safety and security policies and procedures and should ensure that their risk management staff participates in risk management training and initiatives of New Mexico Association of Counties (NMAC).

REQUEST ACTION:

Commissioner Robert A. Anaya respectfully request that the Board of Santa Fe County
Commissioners support this resolution encouraging New Mexico Association of Counties (NMAC)
member counties to ensure that their Risk Management staff participate in NMAC Risk
Management trainings and initiatives, and adopt comprehensive Risk Management policies and
procedures.

SANTA FE COUNTY

RESOLUTION NO. 2014-___

A RESOLUTION ENCOURAGING NEW MEXICO ASSOCIATION OF COUNTIES (NMAC) MEMBER COUNTIES TO ENSURE THAT THEIR RISK MANAGEMENT STAFF PARTICIPATE IN NMAC RISK MANAGEMENT TRAININGS AND INITIATIVES, AND ADOPT COMPREHENSIVE RISK MANAGEMENT POLICIES AND PROCEDURES

WHEREAS, each county throughout the state of New Mexico, in the interest of the employees, elected officials and the citizens, should adopt and adhere to safety and security policies and procedures, and should ensure that their risk management staff participates in risk management training and initiatives of NMAC;

WHEREAS, NMAC has a risk management affiliate whose primary responsibility is to offer training to achieve and oversee the risk management objectives of NMAC;

WHEREAS, it is the interest and desire of NMAC and Santa Fe County to increase participation in risk management training and initiatives and adoption of comprehensive risk management policies and procedures;

WHEREAS, there is a direct correlation between staff participation in risk management training, and county adoption of risk management policies and procedures and a reduction in liabilities and claims;

WHEREAS, it is of high importance that each county support county staff working within risk management to regularly participate in and attend NMAC sponsored trainings, conferences and other meetings pertaining to risk management, so that NMAC can better educate and keep county risk management staff informed and aware of risk management objectives, practices, policies and procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY to encourage all NMAC member counties to:

- 1. Ensure that their risk management staff participate in the risk management trainings and initiatives of NMAC; and
- 2. Adopt comprehensive risk management policies and procedures.

PASSED, APPROVED, and ADOPTED this 30th day of September, 2014.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Daniel W. Danny Mayfield, Chair	
ATTEST:	
Geraldine Salazar, County Clerk	
APPROVED AS TO FORM:	
Gregory S. Shaffer, County, Attorney	





Daniel "Danny" Mayfield Commissioner, District 1

Miguel M. Chavez Commissioner, District 2

Liz Stefanics
Commissioner, District 5



Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Katherine Miller County Manager

MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution to Support the New Mexico Association of Counties' Resolution to Maintain the Southwest Chief Amtrak Service (Commissioner

Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from the NMAC Commissioner Affiliate supports legislation that would support continuation of Amtrak's Southwest Chief and create reasonable funding alternatives.

This resolution garnered 22 votes.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO MAINTAIN THE SOUTHWEST CHIEF AMTRAK SERVICE

WHEREAS, Amtrak's Southwest Chief serves northern New Mexico on its route between Chicago and Los Angeles on the host railroad line of Burlington Northern Santa Fe Railway (BNSF);

WHEREAS, Fiscal Year 2012 revealed a total of 34,444 Amtrak boardings and alightings among the Raton, Las Vegas, and Lamy stations;

WHEREAS, a Report of the Annual Economic Impact of Amtrak's Southwest Chief in New Mexico, dated November 11, 2013 and filed with the New Mexico Interim Transportation Infrastructure Sub-Committee on November 12, 2013 assesses the annual visitor spending impact in the Lamy-Raton corridor at \$29.3 million in economic output, \$8.9 million in worker earnings and 368 jobs;

WHEREAS, Amtrak's agreement with BNSF for use of the track expires in January of 2016;

WHEREAS, Amtrak indicates it does not have sufficient funds to pay BNSF to maintain the line to 79 mph passenger rail standards;

WHEREAS, Amtrak needs funding in place to remain on the current route or it shall begin relocation or discontinuance of the train by January 2016;

WHEREAS, long distance passenger rail is a vital and necessary part of our national transportation system and economy;

WHEREAS, the federal government has declined to provide the needed fiscal support to allow Amtrak to pay for the necessary capital investment and annual maintenance in New Mexico, Colorado, and Kansas;

WHEREAS, New Mexico, Kansas, and Colorado support the Southwest Chief and seek State and Congressional support for additional funding; and,

WHEREAS, the New Mexico Association of Counties support legislation that would:

- 1. Allow the continuation of Amtrak's Southwest Chief along its current and historic route;
- 2. Create a Southwest Chief Rail Service Fund or other reasonable funding alternatives; and
- 3. Support efforts by the New Mexico Congressional Delegation in supporting and maintaining the Southwest Chief on its current route.

BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER, 2014

Daniel W. Mayfield, Chair	
ATTEST:	
Geraldine Salazar, County Clerk	
ADDROVED AS TO FORM.	
APPROVED AS TO FORM:	

2





Daniel "Danny" Mayfield Commissioner, District 1

Miguel M. Chavez Commissioner, District 2

Liz Stefanics
Commissioner, District 5



Robert A. Anaya Commissioner, District 3

Kathy Holian
Commissioner, District 4

Katherine Miller County Manager

MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution To Support the New Mexico Association of

Counties' Resolution on the Safety Net Care Pool (Commissioner Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties (NMAC) Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from the NMAC Health Care Policy Committee supports legislation that would remove counties' responsibility to fund Medicaid, and the Safety Net Care Pool, and consider the consolidation of some existing county local option gross receipts tax increments.

This resolution garnered 21 votes.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION ON THE SAFETY NET CARE POOL (SNCP)

WHEREAS, New Mexico counties care greatly about health care for their local citizens and value their local hospitals, particularly in rural areas;

WHEREAS, counties have long played an integral role in providing health care services for their indigent residents;

WHEREAS, for nearly 20 years counties have worked collaboratively with their local community hospitals in helping fund the Sole Community Provider program and in coordinating health care for their local citizens;

WHEREAS, the Sole Community Provider program has now been replaced by the Safety Net Care Pool (SNCP), which provides funding for community hospitals for Medicaid base rate increases and uncompensated care for Medicaid patients;

WHEREAS, the counties' role under SNCP has been significantly diminished and their financial contribution to the SNCP no longer has any relationship to the funds disseminated by the Human Services Department (HSD) to the counties' respective community hospitals;

WHEREAS, information provided by HSD regarding the SNCP has been confusing and often contradictory, and the distribution formula to community hospitals has been inequitable and difficult to ascertain;

WHEREAS, finding a solution to funding the SNCP requires communication and cooperation among the various stakeholders – counties, hospitals, and the state, in both the legislative and executive branches;

WHEREAS, the SNCP is part of the federal Medicaid program, and is therefore a state responsibility that should be fully funded by the state;

WHEREAS, SB268, as passed by the legislature in 2014, required most counties to contribute the equivalent of a 1/12th % gross receipts tax (GRT) increment to the SNCP, and was intended to be a three-year interim solution for funding that program;

WHEREAS, the Governor's line item veto of the three-year limitation on county funding of SNCP will result in unlimited long term county financial responsibility for the program that will ultimately cost the counties hundreds of millions of dollars;

WHEREAS, that long term county financial responsibility was neither authorized nor intended by the legislature in SB 268; and,

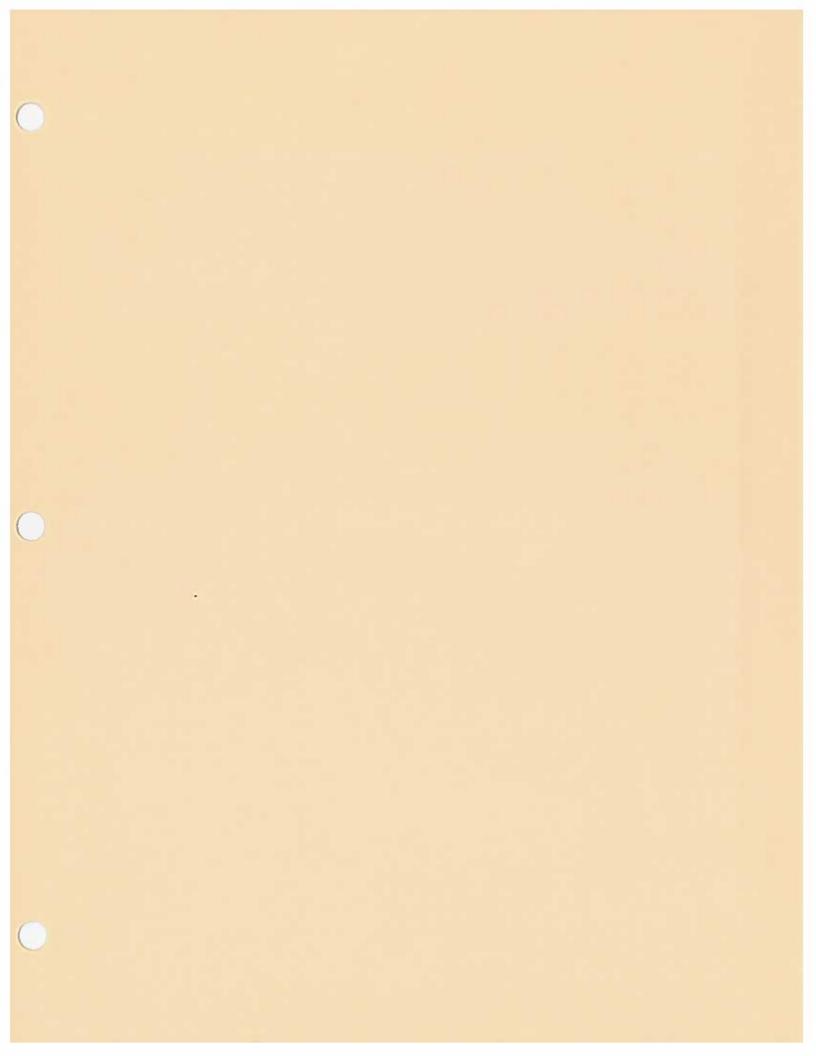
WHEREAS, the NMAC has a resolution that would result in legislation that would accomplish one or more of the following:

- 1. Increase the state budget to fully fund the new SNCP and amend SB268 to remove counties' responsibility to fund the SNCP;
- 2. Transfer the new county 1/12th GRT to the state to fund the SNCP;
- 3. Consolidate particular existing county local option GRT increments that are in many cases unused and unusable, and de-earmark others;
- 4. Authorize a state hospital bed tax, the proceeds of which could be used to fund the SNCP, to be matched with federal funds;
- 5. To develop solutions that would remove the financing of Medicaid from counties and place that responsibility with the state.

BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER, 2014

-	Daniel W. Mayfield, Chair	
	ATTEST:	
-	Geraldine Salazar, County Clerk	
	APPROVED AS TO FORM:	
0	Gregory S. Shaffer, County Attorney	





Daniel "Danny" Mayfield Commissioner, District 1

Miguel M. Chavez Commissioner, District 2

Liz Stefanics
Commissioner, District 5



Robert A. Anaya Commissioner, District 3

Kathy Holian
Commissioner, District 4

Katherine Miller County Manager

MEMORANDUM

DATE: September 11, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution To Support the New Mexico Association of Counties' Resolution Supporting a Memorial for the Creation of a Public Land Task

Force (Commissioner Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties (NMAC) Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from NMAC Public Lands & Natural Resources Policy Committee supports a memorial to create a task force to evaluate state and county dependence on federal revenue, conduct and inventory of federal lands ownership within the state, and study the legal, economic and practical impact of a potential transfer of certain public lands from the federal government to the state.

This resolution garnered 21 votes.

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION ON A MEMORIAL CREATING A PUBLIC LANDS TASK FORCE

WHEREAS, the State of New Mexico encompasses approximately 77.6 million acres of land;

WHEREAS, approximately 35% of New Mexico's land is federal lands administered by agencies such as the Bureau of Land Management, U.S. Forest Service, Bureau of Reclamation, National Park Service, U.S. Army Corps of Engineers, National Wildlife Reserve Areas, federal water resource development projects and military installations;

WHEREAS, the State of New Mexico and its counties depend on federal revenues to support vital state, county and local budgets, programs, services and operations;

WHEREAS, New Mexico counties received \$37,677,905 in Payments in Lieu of Taxes (PILT) in 2014 to provide general fund revenue;

WHEREAS, New Mexico counties received \$5,054,742 in Federal Forest Reserve payments in 2014 from the Secure Rural Schools & Community Self Determination Act (SRS);

WHEREAS, counties rely on federal funding through PILT and SRS to provide essential support for schools, road infrastructure, search and rescue operations, wildfire preparedness, county operations and other community services that protect the health, safety, and welfare of New Mexico citizens;

WHEREAS, federal funds are also distributed to county governments as a pass-through from state agencies for county infrastructure, economic development, wildfire prevention and response, energy and natural resource investments, emergency management, E911, health care, and social programs;

WHEREAS, there is increasing uncertainty regarding the federal commitment to funding these vital county and state programs, which makes it difficult to budget for necessary services;

WHEREAS, there have been proposals for the State and counties to take a more active role in federal land management, including the potential for transfer of certain federal lands to the state;

WHEREAS, the State of New Mexico and its counties have a vested interest in decisions on federal land management, natural resource exploration and development;

WHEREAS, the State of New Mexico and its counties need an evaluation of the legal, economic and practical implications of any potential transfer of federal lands;

WHEREAS, the New Mexico Association of Counties does hereby support legislation requesting the State of New Mexico to create a task force to: 1) study the legal, economic and practical framework surrounding the potential transfer of certain public lands from the federal government; 2) conduct an inventory of federal land ownership within the state; and 3) evaluate state and county dependence on federal revenue streams, and report and make recommendations to the appropriate legislative committee no later than November 1, 2015; and,

NOW THEREFORE BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER, 2014

	Daniel W. Mayfield, Chair		
		3	
	ATTEST:		
_	Geraldine Salazar, County Clerk		
	APPROVED AS TO FORM:		
	Willie H. Brown		
- 1	Gregory S. Shaffer, County Attorney		





Miguel M. Chavez Commissioner, District 2

Liz Stefanics
Commissioner, District 5



Robert A. Anaya

Commissioner, District 3

Kathy Holian
Commissioner, District 4

Katherine Miller County Manager

MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution to Support the New Mexico Association of Counties' Resolution on County Treasurers As Agents of the Property Tax Division

(Commissioner Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from the NMAC Treasurer's Affiliate would authorize County Treasurers to receive all payments of property taxes, including those turned over to the Property Tax Division of the Taxation & Revenue Department for collection and placed on installment agreements.

This resolution garnered 19 votes.

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION ON COUNTY TREASURERS AS AGENTS OF THE PROPERTY TAX DIVISION

WHEREAS, NMSA 1978, § 7-38-62 instills the responsibility and exclusive authority on the Taxation and Revenue Department to collect delinquent taxes showing on the tax delinquency list;

WHEREAS, Property Tax Division, (PTD) enters into Installment Agreements with delinquent tax payers as a means to collect those taxes;

WHEREAS, New Mexico County Treasurers acknowledge the tracking of payments, the filing of injunctions or liens related to missed payments, and the enforcement of installment agreements, is a function that should remain under the authority, control, and within the jurisdiction of the Property Tax Division and the Legal Service Bureau of the Taxation and Revenue Department;

WHEREAS, payments by delinquent taxpayers to the PTD creates an unnecessary, confusing and inefficient third tier of government to which taxpayers are required to make payments;

WHEREAS, the public's right to have updated and accurate information at the local level is compromised by the payment by delinquent tax payers to the state level where it is retained and not distributed for up to three years;

WHEREAS, county treasurers are equipped with resources, policies, and procedures already in place by which they are able to distribute payments received on behalf of Property Tax Division to them on a monthly basis, enabling the department to perform the necessary enforcement, negotiation, and tracking of all installment agreements; and,

WHEREAS, the New Mexico Association of Counties supports legislation that would amend State Statute 7-38-62 to authorize County Treasurers to receive all payments of property taxes, including for those properties that have been turned over to the Property Tax Division for collection and been placed on installment agreements.

BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER, 2014 Daniel W. Mayfield, Chair ATTEST: Geraldine Salazar, County Clerk

APPROVED AS TO FORM:





Miguel M. Chavez Commissioner, District 2

Liz Stefanics

Commissioner, District 5



Robert A. Anaya
Commissioner, District 3

Kathy Holian

Commissioner, District 4

Katherine Miller County Manager

MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution to Support the New Mexico Association of Counties' Resolution on a Study of Housing Options and Service Delivery for Detention Inmates with Special Medical and Mental Health Needs (Commissioner

Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from the NMAC Detention Administrators Affiliate supports legislation that would increase the 2015 General Appropriations Act to fund the County Detention Facilities Reimbursement Act at a sufficient level for the actual cost of housing inmates with special medical and mental health needs.

This resolution garnered 16 votes.

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION ON A STUDY OF HOUSING OPTIONS AND SERVICE DELIVERY FOR DETENTION INMATES WITH SPECIAL MEDICAL AND MENTAL HEALTH NEEDS

WHEREAS, counties have been and continue to be subjected to significant liabilities (three cases totaling nearly \$20 million to-date) related to allegations of cruel and unusual punishment in county detention facilities;

WHEREAS, there is a complete lack of appropriate options to house special management inmates, and a lack of programing to meet legitimate medical/mental health needs in those facilities;

WHEREAS, counties have found a similar lack of options for these inmates at the state level as well; and,

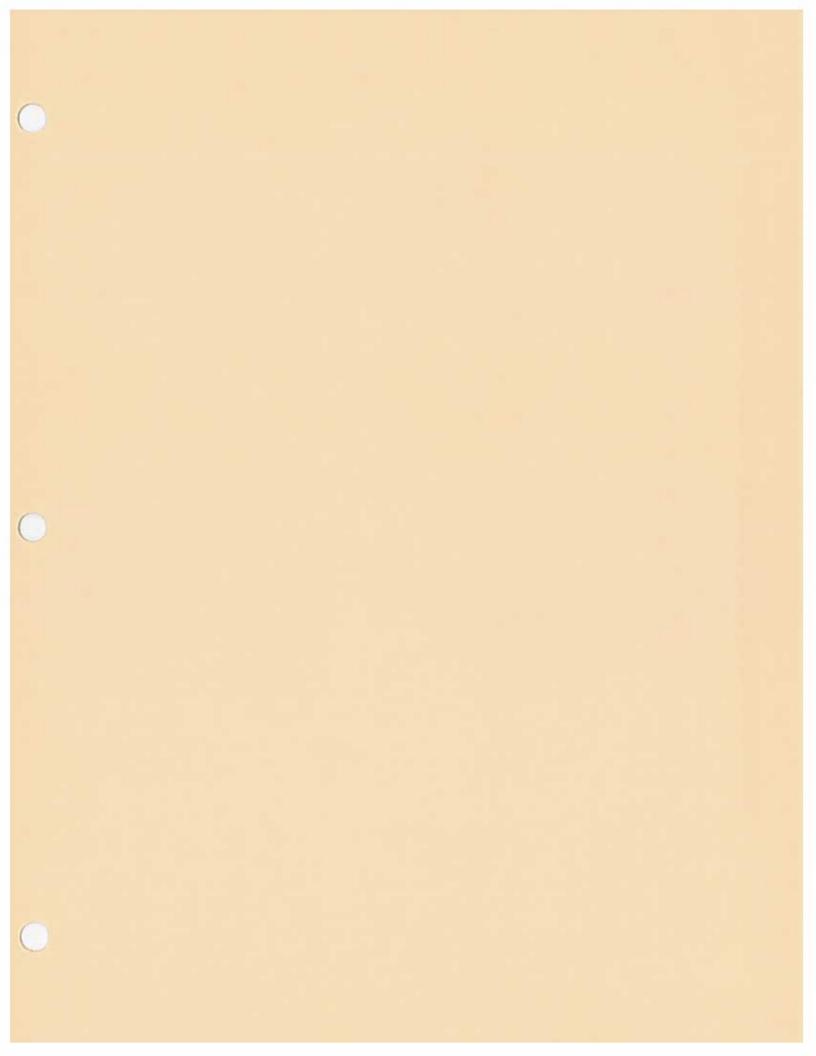
WHEREAS, that the New Mexico Association of Counties support legislation that would bring together the appropriate entities and agencies, to study possibilities for the establishment of housing options and service delivery for these inmates, and make recommendations to the appropriate legislative committee by November 1, 2015.

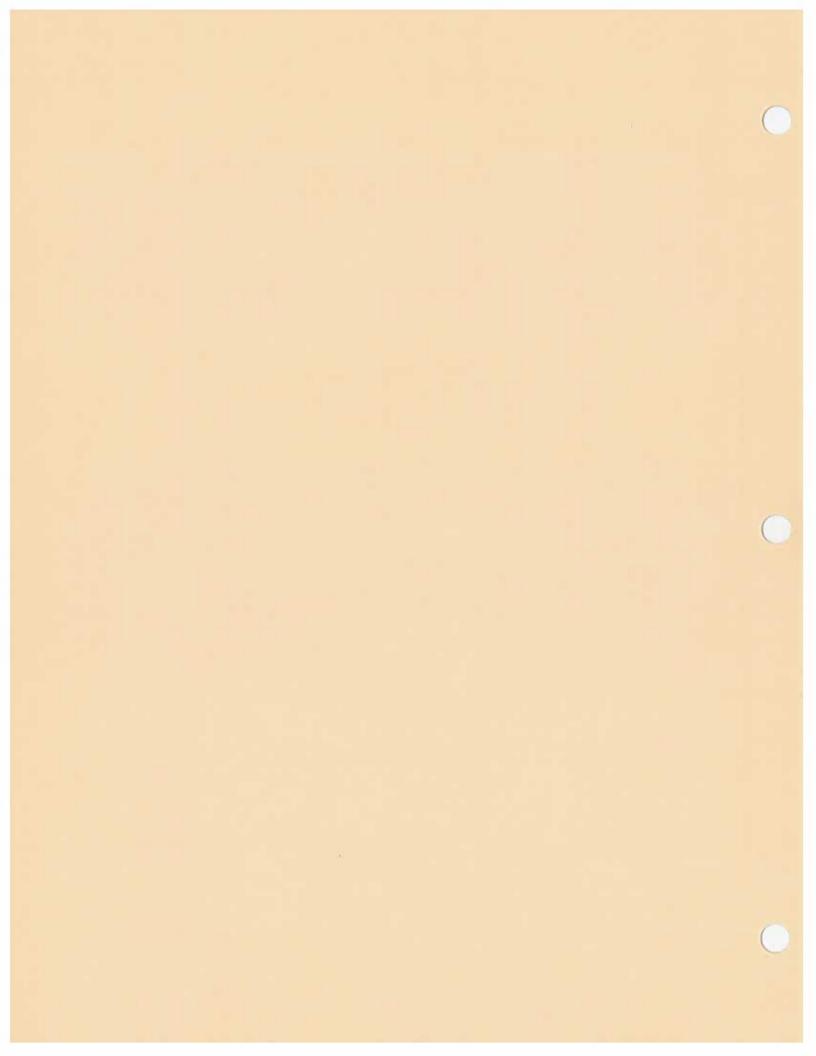
BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER, 2014

Daniel W. Mayfield, Chair

APPROVED AS TO FORM:





Miguel M. Chavez Commissioner, District 2

Liz Stefanics
Commissioner, District 5



Robert A. Anaya

Commissioner, District 3

Kathy Holian
Commissioner, District 4

Katherine Miller County Manager

MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution To Clarify The Authority And Reasons

Necessary For Property Tax Schedule Changes (Commissioner Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from the NMAC Assessor's Affiliate supports legislation that authorizes the County Treasurer in conjunction with the County Assessor to make changes to the tax schedule and clarifies the authority and reasons necessary for tax schedule changes to correct obvious errors.

This resolution garnered 15 votes.

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION TO CLARIFY THE AUTHORITY AND REASONS NECESSARY FOR TAX SCHEDULE CHANGES

WHEREAS, according to NMSA 1978, Section 7-37-77, the County Treasurer has sole authority to make changes to the "Tax Schedule" after the County Assessor has delivered the tax schedule to the Treasurer;

WHEREAS, tax schedule changes most often arise due to valuation related errors identified and initiated by the Assessor's Office;

WHEREAS, the majority of tax schedule changes must be processed first through the Assessor's database thus requiring the Assessor to share in the responsibility of tax schedule changes;

WHEREAS, the Assessor is not named in NMSA 1978, Section 7-38-77 as having authority in correcting the tax schedule;

WHEREAS, tax schedule corrections are a remedy for correcting errors made by the Assessor's and/or the Treasurer's office and ultimately benefit the property owner;

WHEREAS, clarification is needed to define which errors are allowed to be corrected in the tax schedule under mutual agreement by the Assessor and Treasurer;

WHEREAS, the New Mexico Association of Counties support legislation that will change NMSA 1978, Section 7-38-77 and NMSA 1978, Section 7-38-78 to clarify the authority and reasons necessary for tax schedule changes; and,

BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER, 2014

				 _
Daniel	W.	Mayfield,	Chair	

ATTEST:	ij	
Geraldine Salazar, County C	Clerk	

APPROVED AS TO FORM:







MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution to Support the New Mexico Association of Counties' Resolution on County Industrial Revenue Bond Act Improvements

(Commissioner Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from the NMAC Executive Committee supports legislation that would allow counties to increase economic growth and job creation by expanding the list of projects eligible for an IRB, and removing the complaint process for certain IRB projects.

This resolution garnered 13 votes.

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION ON COUNTY INDUSTRIAL REVENUE BOND ACT IMPROVEMENTS

WHEREAS, counties understand the economic needs of their communities and play a critical role in economic development;

WHEREAS, New Mexico counties recognize the economic development incentives that are available to promote business and economic growth at the local level;

WHEREAS, counties across the county compete both to retain existing jobs and businesses and to secure new jobs and businesses;

WHEREAS, counties in New Mexico wish to maintain a competitive advantage over counties across the country in business retention, developing housing options, and recruiting new business industry;

WHEREAS, one of the foremost economic development tools available to counties in New Mexico is industrial revenue bonding;

WHEREAS, under the New Mexico County Industrial Revenue Bond Act, Sections 4-59-1 to 16, NMSA 1978, there are a variety of projects that qualify for county-issued industrial revenue bonds (IRBs);

WHEREAS, many projects that could contribute to economic and job growth, including the extractive phase of mining and skilled workforce housing, do not now qualify for countyissued IRBs;

WHEREAS, currently Section 4-59-15, NMSA 1978, provides that an existing business within a county or within five miles of a proposed county IRB project may file a complaint with the State Board of Finance alleging direct or substantial competition with the proposed project;

WHEREAS, the IRB complaint provision creates uncertainty and significantly delays economic development efforts of counties throughout the state;

WHEREAS, the inclusion of the IRB complaint process in the County IRB Act, but not in the Municipal IRB Act provides an unnecessary economic disadvantage for counties;

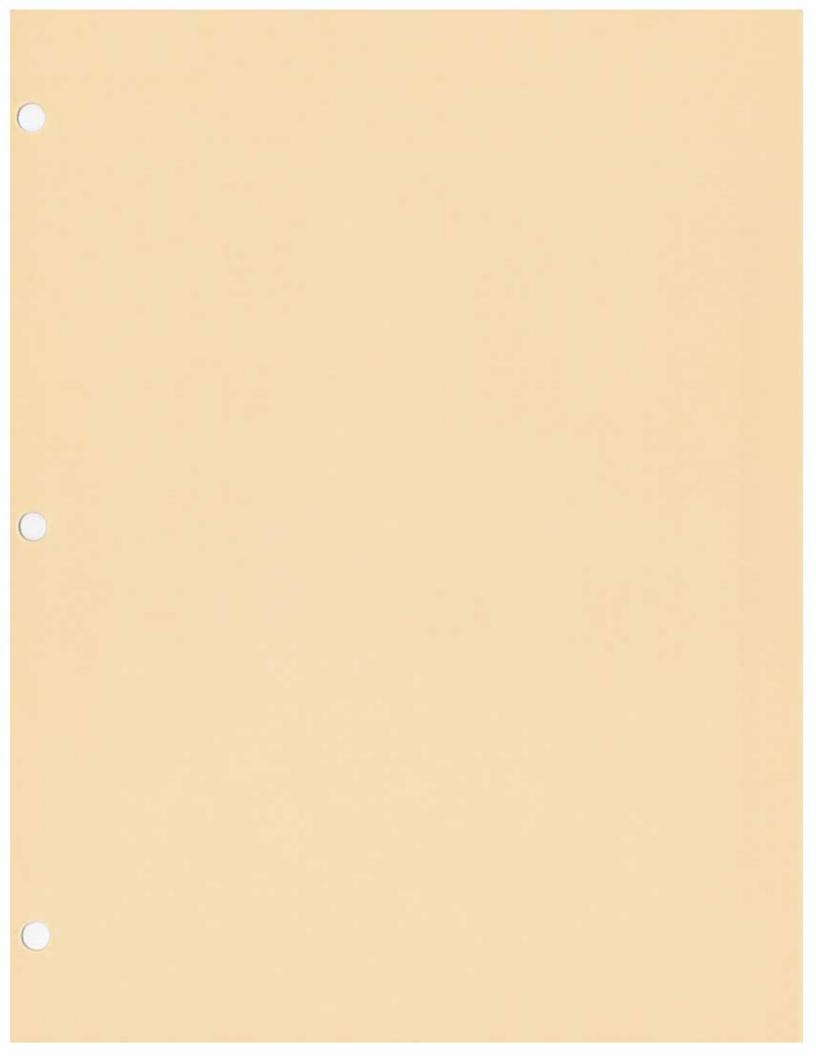
WHEREAS, the New Mexico Association of Counties supports legislation that expands the list of eligible projects for IRBs to include housing development and the extractive phase of mining and energy development, and that broadens the definition of "ingredients of construction" to include construction material and labor and associated professional services and contracting;

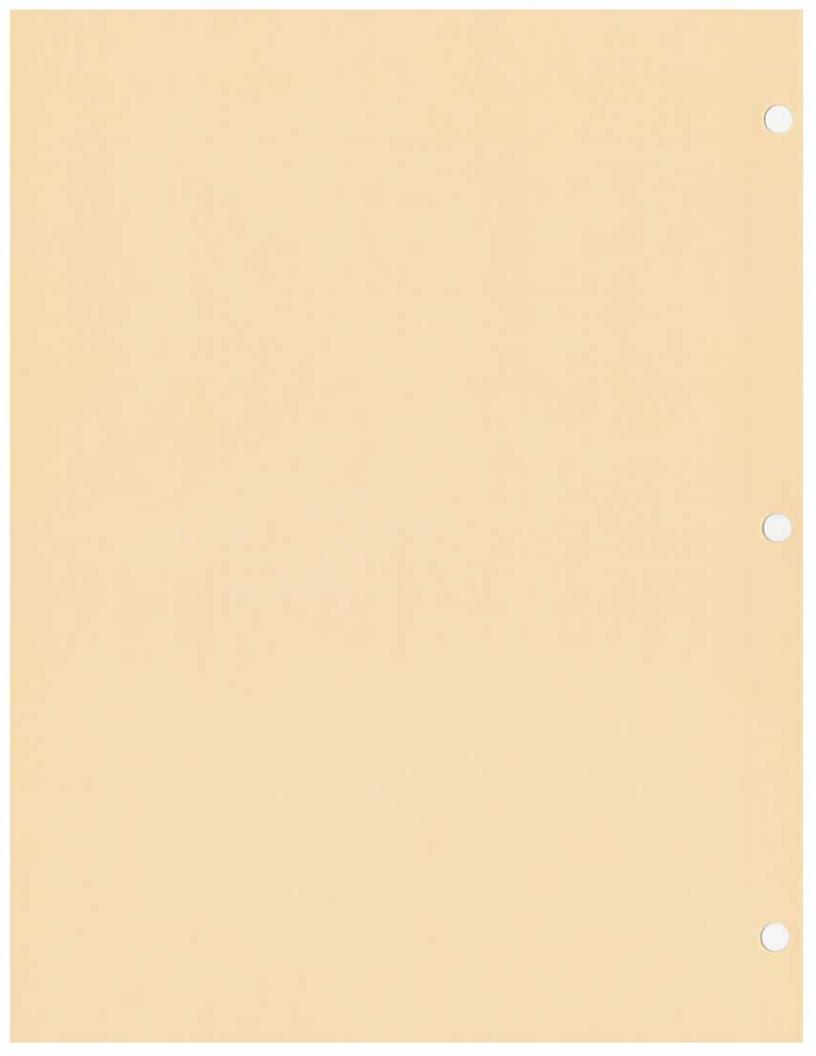
WHEREAS, the New Mexico Association of Counties supports legislation that removes the authority of the State Board of Finance to consider a complaint of direct or substantial competition with existing businesses near or within a proposed county IRB project by repealing Section 4-59-15, NMSA 1978 in its entirety; and,

BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

PASSED, APPROVED AND ADOPT	TED on this 30 th Day of September 2014.
- C 11 C1 :	
Daniel W. Mayfield, Chair	
ATTEST:	
Allesi:	
Geraldine Salazar, County Clerk	
Geraldine Salazar, County Clerk	
APPROVED AS TO FORM:	

Wille K. Brown





Miguel M. Chavez
Commissioner, District 2

Liz Stefanics

Commissioner, District 5



Robert A. Anaya
Commissioner, District 3

Kathy Holian
Commissioner, District 4

Katherine Miller County Manager

MEMORANDUM

DATE: September 9, 2014

TO: Board of County Commissioners

VIA: Katherine Miller, County Manager

FROM: Julia Valdez, Constituent Services Liaison, Manager's Office

RE: New Mexico Association of Counties 2015 Legislative Priority

Resolution No. 2014-___ A Resolution to Support the New Mexico Association of Counties' Resolution on Increased Detention Facilities Funding (Commissioner

Stefanics)

BACKGROUND

On August 7, 2014, thirty counties attended the New Mexico Association of Counties Board of Director meeting in McKinley County to vote on NMAC resolutions. Each county received six votes to distribute across all resolutions. Each county could not vote more than once on each resolution.

Resolutions receiving the most votes created the Priority Agenda for the upcoming legislative session. The Board of County Commissioners is being asked to support this NMAC resolution.

This Resolution from the NMAC Commissioners Affiliate supports a memorial to study the possibilities to restore the County Detention Facilities Reimbursement Act funding.

This resolution garnered 10 votes.

A RESOLUTION TO SUPPORT THE NEW MEXICO ASSOCIATION OF COUNTIES' RESOLUTION ON INCREASED DETENTION FACILITIES FUNDING

WHEREAS, the County Detention Facility Reimbursement Act was passed unanimously by the Legislature in 2007, as a Legislative Finance Committee bill, was signed by the Governor, and funded at \$5 million;

WHEREAS, the Act specifies reimbursement by the state to counties for three specific categories of offenders in county jails: 1) parole violators, 2) inmates sentenced to prison and awaiting transport, and 3) offenders under supervision for both probation and parole violations;

WHEREAS, the cost to counties for housing the three categories of offenders covered by the Act is currently \$4,718,448 according to the New Mexico Sentencing Commission;

WHEREAS, funding for the Act has been reduced to \$3.3 million and has remained at that level for several years;

WHEREAS, the cost to county government for detention centers is, on the average, at least one third of county budgets;

WHEREAS, the New Mexico Association of Counties supports an increase in the 2015 General Appropriations Act that would fund the County Detention Facilities Reimbursement Act at a level sufficient to reimburse counties for the actual cost of holding the three categories of prisoners specified under the Act.

BE IT RESOLVED THAT the Board of Commissioners of Santa Fe County supports the above stated New Mexico Association of Counties resolution.

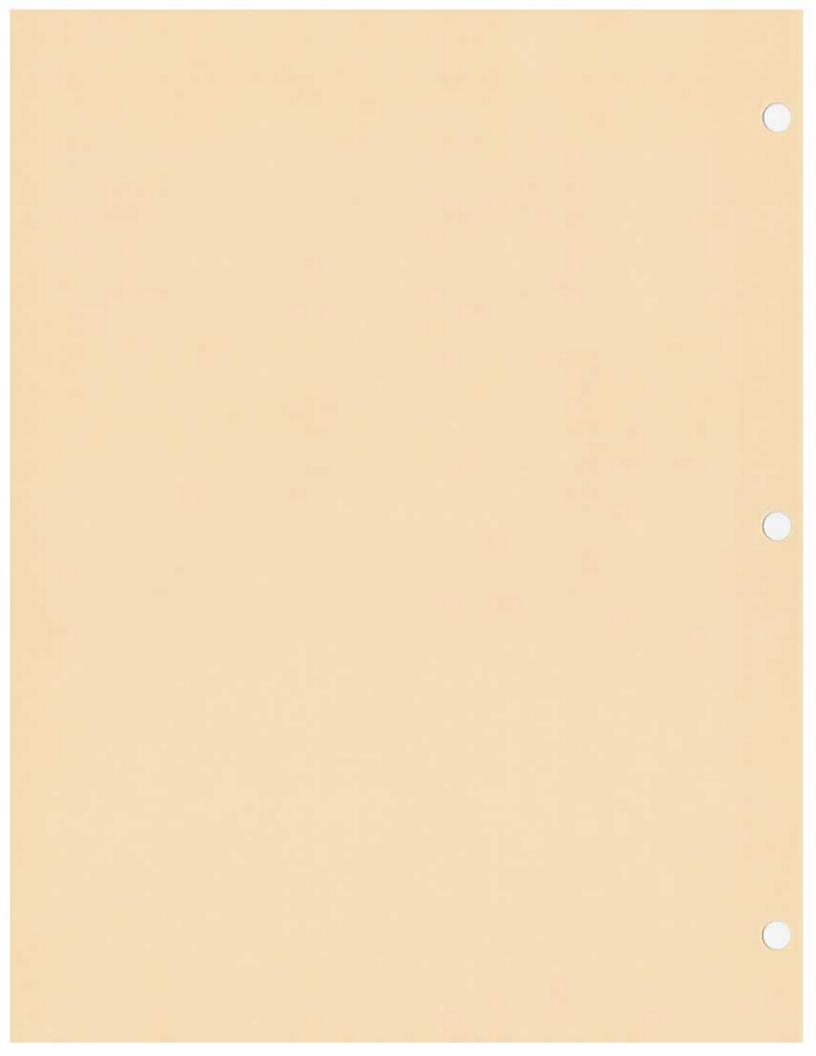
PASSED, APPROVED, AND ADOPTED ON THIS 30th DAY OF SEPTEMBER, 2014

ATTEST:		

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:





Miguel 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:

Sept 4, 2014

TO:

Board of County Commissioners

FROM:

Adam Leigland, Public Works Department Director

VIA:

Katherine Miller, County Manager

ITEM AND ISSUE: BCC Meeting September 30, 2014.

Request Authorization to Publish Title and General Summary of an Ordinance Entitled, "An Ordinance Adopting the Solid Waste and Recycling Management Ordinance and Repealing Ordinance Nos. 2010-5, 2012-7, 2013-3, and 2014-6. (Public Works Department/Adam Leigland)

SUMMARY:

Changes to the solid waste ordinance will expand mandatory recycling and promulgate a new solid waste permit structure and schedule.

BACKGROUND:

On August 26, 2014, the Board of County Commissioners (BCC) approved Solid Waste Task Force recommendations to expand mandatory recycling and to create a new permit structure of 6- and 12-trip permits and to change fees so as to gradually increase to 30% the share of solid waste program funding received from fees over 5 years. These changes require an update to the current County solid waste ordinance (Ordinance 2010-5 with amendments Ordinances 2012-7, 2013-3, and 2014-6, all attached).

DISCUSSION:

Increased Mandatory Recycling: The current solid waste ordinance mandates only corrugated cardboard and paper to be recycled. The ordinance change will expand that to include all currently recyclable materials. Staff is recommending that the list of actual materials be identified administratively by the County Manager outside the body of the subject ordinance, for the following reason. The County takes its recycling to the Solid Waste Management Agency (SWMA) for disposition. To effectuate recycling, SWMA attempts to find a re-sale market for as many materials as possible; unsaleable materials are not recycled. Market conditions are subject to change, so that the materials that are recyclable at any given time--that is, have a re-sale market--can change periodically. An administrative action is a better mechanism to accommodate these changing conditions.

New Permits: The new permits and their fees are shown in the table below. The permit years shall coincide with the calendar year, such that Year 1 of the permits shall be calendar year 2015 and the permits shall go into effect on January 1, 2015. As established by the BCC earlier this year, all existing and future permits do not expire and may be used until all trip punches have been utilized. The 24-trip permit is being phased out.

Table 1: New Permit Fee Schedule (\$)

Permit	Year 1 (CY15)	Year 2 (CY16)	Year 3 (CY17)	Year 4 (CY18)	Year 5 (CY19)
1-Trip	15	15	16	17	18
6-Trip	35	45	55	70	95
12-Trip	65	75	85	110	140

Low-income permits will be maintained, at \$5 and \$10 off, respectively, of the 6- and 12-trip permits.

ACTION REQUESTED:

Approval to publish title and general summary of subject ordinance.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2014-____

AN ORDINANCE ADOPTING THE SOLID WASTE AND RECYCLING MANAGEMENT ORDINANCE AND REPEALING ORDINANCE NOS. 2010-5, 2012-7, 2013-3, AND 2014-6

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE

Section 1. Short Title

This Ordinance may be cited as the "Solid Waste and Recycling Management Ordinance."

Section 2. Purpose

The purposes of this Ordinance are 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;
- D. Create mandatory roadside solid waste collection districts and to establish the procedures for curbside and roadside solid waste collection; and
- E. Promote, to the greatest extent possible, waste reduction and the reuse and recycling of materials to further resource conservation and minimize landfill disposal.

Section 3. Authority

This Ordinance is enacted pursuant to the authority granted to counties in (i): NMSA 1978; Section 4-37-1 to, among other things, provide for the safety, preserve the health, promote the prospectry and improve the morals, order, comfort and convenience of the County or its inhabitants, and (ii) NMSA 1978, Sections 4-56-1 through 4-56-3 to establish, maintain, manage, and supervise a system of storage, collection and disposal of refuse.

Section 4. Definitions

The following words shall have the following meanings in this Ordinance, unless the context clearly indicates or requires a different meaning.

The words "shall" or "must" are mandatory and not discretionary; the words "may" or "should" are permissive.

"Asbestos Waste" means the friable solid waste that contains more than one percent asbestos by weight and that can, when dry, be crumbled, pulverized or reduced to powder by hand pressure.

"Ashes" means the solid residue from the burning of wood, coal, coke or other combustible material.

"Authorized Reuse Area" means a posted area provided at a Convenience Center in which persons may leave unwanted reusable materials.

"Bagged Wastes" means garbage, refuse, rubbish, solid wastes, and pet wastes that are placed in a flexible container (bag) with a single opening that is closed and tied in a manner so as to prevent spillage or escape of the materials during transport and prior to delivery to a Convenience Center.

"Board of County Commissioners" means the Board of County Commissioners of the County of Santa Fe.

"Brush and Tree Waste". See Land Clearing Debris

"Caja del Rio Landfill" means the disposal site permitted by the New Mexico Environment Department and operated by the Santa Fe Solid Waste Management Agency, an entity jointly created by the governments of the City of Santa Fe and the County of Santa Fe.

"Caretaker" means a solid waste facility attendant.

"Clean Fill" means broken concrete and asphalt pavement pieces not larger than 18" x 12" x 6", brick, stone, rock, and uncontaminated soil. Clean Fill must be free of other Solid Wastes or Hazardous Waste, and the use of this material must not create a public nuisance or adversely affect the environment in which it is placed.

"Clean Wood Waste" means pallets, unpainted and untreated scrap wood, and carpenter trimmings that do not exceed 6 feet in length or 1.5-feet in width and that do not contain nails. Clean Wood Waste does not include construction and demolition wood with attached wallboard, paint, metal bracing, or Brush and Tree Waste.

"Commercial Solid Waste" means all types of solid waste generated by hotels, stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, sites containing four or more Dwelling Units, churches, schools, recognized educational institutions or other non-Residential Solid Waste generators.

"Commercial Solid Waste Contractor" means persons possessing a valid Santa Fe County business license or permit retained and paid to perform services that generates Solid Waste and/or that involves the processing, removal and transport of Solid Wastes, including, but not limited to, Construction and Demolition Debris and Land Clearing Debris, from dwelling units, commercial establishments, pueblos, or industries, but for whom waste collection and transportation is auxiliary to the principal services they provide (e.g., remodeling contractors, "handymen", roofers, construction firms, carpet installers, gardeners, tree services, and land-clearing contractors). The term does not include an individual transporting solid waste generated on or from his own, personal residential premises for the purpose of disposing of it in a NMED approved solid waste facility.

"Commercial Solid Waste Hauler" means any person possessing a valid Santa Re County business license or permit whose primary service is to collect solid wastes or recyclable materials from single or multiple residential dwellings, commercial or business locations, industries or other generators of solid wastes and transport/haul them for the purpose of disposal or recycling.

"Composting" means the biological decomposition of green waste and other organic solid waste under controlled conditions to create a soil amendment product for beneficial use as a source of nutrients, organic matter, erosion control, or other essential constituent for a soil or plant.

"Construction and Demolition Debris" or "C&D Debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of structures, utilities, and roads. C & D debris is generally considered water insoluble and nonhazardous, and includes, but is not limited to: bricks, concrete, and other masonry materials, asphalt, roofing materials, steel, glass, pipe, gypsum wallboard and lumber. Construction and Demolition Debris does not include asbestos, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, furniture, appliances, tires, drums, containers greater than ten gallons in size, any containers having more than one inch of residue remaining on the bottom, fuel tanks, brush and tree remains or other vegetative material from land clearing, uncontaminated soil, rocks, or liquids, including, but not limited to, waste paints, solvents, sealers, adhesives or potentially hazardous materials.

"Convenience Center" means a County Solid Waste Facility that collects Solid Waste or Recycling Materials from Residential Solid Waste and Commercial Waste generators and consolidates Solid Waste and/or Recycling Materials in large containers or vehicles for transfer to another Solid Waste facility for disposal or additional processing.

"Corrugated Cardboard" or "Old Corrugated Cardboard" or "OCC" means wood pulp based Kraft paper material that has two, usually smooth, exterior layers and one wavy corrugated interior core, which is used to make cardboard boxes, shipping containers, and packing liners. Corrugated Cardboard always has a corrugated middle layer and may have shiny printing on the outside. OCC does not include wax-coated cardboard, boxboard, cardboard with permanently attached packing materials, cardboard contaminated with food or oils, or single layer boxboard (e.g., cereal, shoe, gift, food boxes, and beer cartons).

"County" means the area within the exterior boundaries of the County of Santa Fe, New Mexico, including privately owned lands or lands owned by the United States or the State of New Mexico.

"County Manager" means the County Manager of the County of Santa Fe.

"County Resident" means any person residing within the County as defined herein.

"Dispose" or "Disposal" means the abandonment, discharge, deposit, placement, injection, dumping, spilling, or leaking of any unwanted or unusable solid waste into or on any land or water.

"Dwelling" or "Dwelling Unit" means a structure, including, but noblimited to, a mobile home, or portion thereof that (i) has bathroom and kitchen facilities permanently installed and (ii) is used or intended to be used by a person or persons for residential purposes. In the case of an apartment complex, each Dwelling within the complex that is or can be separately leased for residential purposes constitutes a separate Dwelling Unit.

"Electronic Waste" or "E-Waste" means relatively expensive and essentially durable electronic products used for data processing, telecommunications or entertainment by private households and businesses, including, but not limited to, computers and related equipment and peripherals, monitors, plotters, scanners, copiers, fax machines, entertainment electronics, VCRs, stereos, CD players, mobile phones, personal digital assistants, and game consoles. Electronic Waste does not include televisions, electric fixtures, small or large household appliances (e.g., washers and dryers), coffeemakers, microwaves, toasters, or electric and electronic tools.

"Fee" or "Fees" means the rees assessed for the use of Convenience Centers, in accordance with the fee schedules specified herein.

"Garbage" means purescible solid waste resulting from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals, including, but not limited to, animal and vegetable wastes, swill, carrion, and slops. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

"Generator" means any person whose act or process produces a solid waste or whose act first causes solid waste to be subject to regulation.

"Green Waste" means yard waste, lawn clippings, leaves and tree trimmings.

"Hazardous Waste" means (i) any solid, semi-solid or liquid waste resulting from industrial, commercial, mining or agricultural operations or from community activities or other discarded material that by reason of its quality, concentration, composition or physical or chemical characteristics may do any of the following: cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible

illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed; (ii) any solid, semisolid or liquid waste so designated by the rules and regulations promulgated pursuant to this ordinance; (iii) any solid, semi-solid or liquid waste that meets any of the Resource Conservation Recovery Act (RCRA) hazardous waste criteria (i.e., ignitable, corrosive, reactive or toxic) or specifically listed in 40 CFR 261 and that is not excluded from regulation as a hazardous waste in 40 CFR 261.4 (b), (iv) any solid, semi-solid or liquid waste that is identified as "Hazardous Waste" in the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., (v) any solid, semi-solid or liquid waste that meets the definition of or is identified as a "Hazardous Substance" in the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. Section 9601 et seq., as each such law and regulation may be amended from time to time. Hazardous Waste also means any solid, semisolid, or liquid waste that, because of its properties, is considered Hazardous Waste and is required to be disposed of at an appropriately permitted Hazardous Waste facility under any analogous or succeeding federal, state, or local law, rule or regulation or by any governmental agency or unit having appropriate infinition.

"Hot Waste" means any waste that is hot to the touch on fire, smoldering or that may ignite once placed with other solid wastes at a Solid Waste Facility, Also see the definition of "Ashes".

"Household Waste" means any solid waste, garbage derived and discarded from Dwelling Units, hotels, motels, public and private campgrounds, picnic grounds, and day-use recreation areas.

"Household Hazardous Waste" or ("HHW") means a wide range of household products that have the characteristics of Hazardous Waste including but not limited to, pesticides and herbicides, oil based paints, liquid latex paints, stains and varnishes, automobile fluids (e.g., antifreeze, motor oil, transmission, steering and brake fluids, gasoline), batteries (automotive and household), pool chemicals, hobby chemicals, darkroom chemicals. Federal law specifically exempts Household Hazardous Waste from regulation as Hazardous Waste because of the point of generation. Because of the hazards posed by HHW, it shall not be placed with other Solid Waste for disposal. See "Special Waste".

"Household Medical Waste" means Household Waste that, but for its point of generation, would be a regulated Medical Waste. (e.g., used sharps, including hypodermic needles, bloody/soiled bandages and dressings, disposable sheets and clothing, medical gloves, dialysis machine filters, etc.).

"Illegal Dumping" means disposal of any solid waste, recyclable material, at any location other than at an approved Solid Waste Facility.

"Industrial Solid Waste" means solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of Resource Conservation and Recovery Act (RCRA). Such waste may include, but is not limited to, waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather

products; nonferrous metals manufacturing/foundries; organic chemicals, plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Infectious Waste" or "Regulated Medical Waste" means any solid waste that is generated in the diagnosis, treatment (e.g., provision of medical or veterinary services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The term does not include any "Hazardous Waste." Includes biological products (e.g. vaccines, cultures), blood products, body fluids, infectious wastes, or materials soiled with these products from hospitals, clinics, nursing homes, health maintenance organizations, doctor and dentist offices, blood plasma centers, laboratories, veterinary practices or as specified in 20.9 NMAC. Includes a limited class of substances that carry a probable risk of transmitting disease to humans, including but not limited to:

- 1. Microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;
- 2. Pathological wastes, including human or animal tissues, organs and body parts removed during surgery, autopsy or biopsy;
- 3. Disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases;
- 4. Human blood and blood products, including waste blood, blood serum, and plasma;
- 5. Used sharps, including used hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and
- 6. Contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals.

"Kraft Paper" and "Brown Paper Bags" means wood pulp based unbleached or bleached papers of high strength used for packaging, including brown paper bags.

"Land Clearing Debris" means vegetative matter resulting from activities such as land clearing and grubbing, utility line maintenance, seasonal, storm, fire or disease related cleanup of trees, and brush, from residential or commercial property or vacant land that do not exceed 18 inches in diameter and 6 feet in length, and any wood chips generated from such vegetative matter.

"Large Load" means a load of Solid Waste having a volume greater than 15 cubic yards..

"Litter" means solid waste or debris along public or private roadways, rights-of-way, trails, or paths that (i) was intentionally or unintentionally dropped or deposited by persons or (ii) fell from uncovered loads or from vehicles transporting Solid Wastes, Land Clearing Debris, Construction and Demolition Debris or other materials.

"Littering" means the act of causing Litter.

"Mixed Papers" means newspapers as delivered, magazines, glossy catalogs, plossy paper, office paper, and junk mail or any combination of these materials.

"Municipality" means any incorporated city, town or village within the County, whether incorporated under general act, special act or special charter, and incorporated counties.

"NMED" means the New Mexico Environment Department.

"Non-County Resident" means any person who is not a County resident as defined herein.

"Open Burning" means the combustion of solid waste without:

- 1. Control of combustion air to maintain adequate temperature for efficient combustion;
- 2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or
- 3. Control of the emission of the combustion products, such that combustion products are released directly or indirectly into the open air.

"Operator" means the person (s) responsible for the overall operation of all or any portion of a Solid Waste Facility.

"Owner" means the owner of real property, whether or not the owner resides on the property.

"Permit" means a document, certificate, sticker and/or permit card issued by Santa Fe County authorizing a person to use county operated Convenience Centers and recycling drop-off centers.

"Person" means a natural person or a firm, partnership, association, joint venture, corporation, estate, trust, company, or any other legal entity of any kind or their representative(s), agent(s), or assign(s).

"Premises" means an improved or unimproved parcel of land together with all appurtenances and structures thereon, whether intended for residential or commercial use, located within the County and outside the corporate limits of an incorporated area.

"Prohibited Load" means a load (i) that includes Prohibited Material as defined herein; (ii) from sources not authorized to use County Convenience Centers; (iii) from unauthorized commercial solid waste contractors; or (iv) that contains any other prescribed items as determined by Santa Fe County.

"Prohibited Materials" means solid wastes that (i) are considered Special Waste under New Mexico Solid Waste Management Regulations 20.9 NMAC; (ii) can cause operational problems, damage to equipment, pose health risks to workers, and/or can have an adverse impact on the environment, or (iii) any other solid waste that Santa Fe County determines is unacceptable for disposal, recycling or reuse at Convenience Centers, as Santa Fe County may specify from time to time in written policies or on signs posted at the Convenience Centers. Prohibited Materials include, but are not limited to, the following types of solid waste:

Ammunition or any items that have the ability to explode or cause injury when run over by heavy equipment and/or when exposed to an ignition source.

Animal wastes -horse, cattle and other large animal manures, including animal bedding mixed with large amounts of animal wastes.

Asbestos Wastes.

Automobiles and large automobile parts, automobile or equipment lead-acid batteries, automobile parts containing or that contained fluids or liquids (e.g., gasoline tanks). Does not include tire rims that have been removed from tires. Clean Fill.

Construction and Demolition Debris, including large pieces and large loads of concrete, roofing materials, asphaltor rock. Such items must be delivered to Caja del Rio landfill.

Dead Animals: whole dead animals must be delivered to Caja del Rio landfill. **Explosives**, including fireworks or other items that have the ability to explode or ignite when exposed to an ignition source.

Hazardous Waste.

Hot Waste and Ashes.

Industrial Wastes

Infectious Waste - Regulated Medical Waste.

Intact Bulk Containers

Lead Agid Batteries

Liquids, including sewage, septage, and large quantities of frying fats.

Petroleum or Chemically Contaminated Soils.

Pressurized Cylinders.

Radioactive Waste.

Sewage, Septage and Holding Tank Pumpings.

Sludges.

Any other Item as specified by Federal, State or local law or regulation or as determined by the County Manager.

"Public Place" means any land owned by the community (or open to common use), such as streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, spaces, grounds and buildings.

"Putrescible Waste" means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for disease vectors and/or causing offensive odors. Includes but is not limited to food, spoiled meat, pet wastes, and soiled diapers. Wood is not considered to be putrescible.

"Recognized Educational Institution" means any governmental or private educational institution located in the County.

"Recover" means any act or process by which recyclables or reusables are separated from the solid waste stream for reuse or remanufacture.

"Recyclable Material" means material that would otherwise be solid waste but that can be collected, separated and/or processed, treated, reclaimed, and placed back in use in the form of raw materials, or that can beneficially be used or reused. The County Manager shall maintain and update, as necessary, an official list of recyclable materials based on the County's ability to process, market and otherwise recover said materials. The most up-to-date Recyclable Materials List shall be posted on the County's web site, at a visible location or locations at the Convenience Centers, and periodically provided to Convenience Center users as part of a "How to Recycle" informational hand-out.

"Recycling" means any process by which Recyclable Materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

"Refuse" means anything putrescible or nonputrescible that is discarded or rejected as useless or worthless. See Solid Waste.

"Regulated Appliances" means any device which contains and uses a Class I or Class II substance as a refrigerant and which is used for household or commercial purposes as defined in 42 U.S.C. 7671a and regulations fromulgated thereunder; including all air conditioners, refrigerators, chillers, or freezers, except such devices that are designed and used exclusively for military purposes, or as specified in U.S. EPA Clean Air Act (CAA) Section 608, and 40 CFR, Subpart F. The Federal Clean Air Act prohibits the venting or release of Freon, CFC and hydrochlorofluorocarbon (HCFC) refrigerant gases, from discarded appliances when they are disposed or recycled.

Residential Solid Waste" means solid waste and recyclable material generated from a site that contains three or less Dwelling Units.

"Responsible Party" means the legal owner(s) of any premises located within the County, whether vacant, improved, or unimproved, on which Solid Waste is generated or found.

"Renter" or "Tenant" means a County Resident or other person who does not own the land, dwelling or structure in which they reside or conduct business, where such land, dwelling, or structure is located within the County.

"Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

"Reuse Area" means a designated, marked area at a Convenience Center for the placement of unwanted materials that can reasonably be expected that another person could take and Reuse. Removing reusable items from the Reuse Area is authorized and is not Scavenging. Not all stations may have Reuse Areas.

"Rubbish". See Solid Waste.

"Scavenging" means the unauthorized searching through and/or taking of anything from discarded solid wastes or Recyclable Materials located within any area of a Convenience Center; provided, however, that the taking of items from a Reuse Area is authorized and does not constitute Scavenging.

"Scrap Tire" means any tire that is no longer suitable for its originally intended purpose because of wear, damage or defect. A scrap tire does not include a tire with a rim.

"Scrap Metal" means used or unwanted metal appliances (e.g., stoves, dryers, dishwashers, washing machines, water heaters), pieces or sheets of metal, metal toys, poles, bicycle frames, strapping wires, clean metal drums with bottoms removed, metal doors, or scrap aluminum. Scrap Metal does not include plastic appliances, microwaves, televisions, automobiles and automobile parts, E-Waste, electrical wire, or Regulated Appliances.

"Secured Load" or "Covered Load" means any load covered in such a manner as to prevent (i) the covering or the load from becoming loose or detached; (ii) the creation of Litter; and (iii) the load from dropping, shifting leaking or otherwise escaping.

"Septage" means the contents of a septic tank, cesspool or other residue from an individual or public owned sewage treatment facility.

"Single Trip Permit" means a permit purchased for a single trip to a Convenience Center. Up to 15 cubic yards of Solid Waste may be disposed using a Single Trip Permit.

"Sludge" means any solid, semisolid, or liquid waste resulting from the treatment of wastewaters, excluding treated liquid effluent generated from publicly or privately owned and operated municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control device.

"Solid Waste" means all putrescible and non-putrescible materials generated or originating from residential, commercial, industrial, mining, or community activities or from agricultural operations that are discarded or rejected, whether (i) as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, (ii) as having served their intended use, or (iii) for any other reason. Materials that are stored and managed to facilitate their disposal, or are discarded from one use but are accumulated for reuse elsewhere unless

specifically excluded by Federal or State regulation or variance. Solid Waste includes, but is not limited to, garbage, waste food, trash, rubbish, refuse, construction and demolition debris, and other solid or semi-solid materials. Solid Waste does not include untreated domestic sewage or radioactive waste.

"Solid Waste Facility" means a facility that accepts solid waste from the public and that is permitted or registered by the NMED (if required) and appropriately zoned and approved by the Board of County Commissioners (if required). Solid Waste Facilities include Convenience Centers, transfer stations, and landfills.

"Source Separation" means the segregation of recyclables and other recoverable materials from non-recyclable solid waste at the point of generation for separate placement in bins or receptacles at a Solid Waste Facility and/or for donations, sale or other disposition. Source Separation includes the separation of recyclables from each other if required by Santa Fe County policy. The residue remaining after recyclables are removed from the waste stream is not considered source-separated material.

"Special Wastes" means solid wastes that (i) require special handling, preparation, and/or transportation before disposal to ensure proper operation of convenience Center facilities and/or (ii) have specific regulatory requirements to ensure protection of the environment and the public health, welfare and safety. Special Wastes include, but are not limited to, the following:

- 1.
- 2. Construction and Demolition Debris
- 3. Clean Fill;
- 4. Clean Wood Waste:
- Electronic Waste (E-Waste), which is generally not accepted at Convenience 5. Centers except on special collection lays:
 - Household Hazardous Waste (HHW); 6.
 - 7. Household Medical Waste;
 - 8. Land Cleaning Debris;
 - 9. Motor Gil:
 - Pet Wastes;
 - 11. Regulated Appliances;
 - 12.
- Tires; Scrap Metal;

Any other material that Santa Fe County may designate from time-to-time in written policies or on signs posted at Solid Waste Facilities.

"Storage" means the accumulation of Solid Waste for the purpose of processing or disposal.

"Transfer" means the handling and storage of solid waste for reshipment, resale, or disposal, or for waste reduction or resource conservation.

"Tribal Resident" means any person residing on federal trust lands within the interior boundaries of Santa Fe County and within the boundaries of a federally recognized Indian pueblo or tribe.

"Trip Punch" means the unit by which a 6 and 12 Trip Punch Permit holder's use of Convenience Centers to discard Solid Waste and Recyclable Materials is measured and charged against their Permit. A single journey to a Convenience Center is not necessarily a single Trip Punch. Rather, the number of Trips a single journey to a Convenience Center equals depends upon the volume of Solid Waste being discarded. The following single journeys to a Convenience Center equals the number of Trips indicated:

Load Volume in Cubic Yards	Number of Trip Punches
Five (5) or less.	1 6
More than five (5) but not more than ten (10).	2
More than ten (10) but not more than fifteen (15).	3

In addition, regardless of the total volume of the delivered load, the disposal of up to 4 tires requires the use of one additional Trip Punch and the disposal of 5 to 8 tires requires 2 additional Trip Punches.

"White Goods" means large metal appliances, washers, dryers, microwaves, and dishwashers.

"Yard Waste" means vegetative matter resulting from landscaping and/or land clearing.

Section 5. Administration

- (A) The County Manager or his her designee is responsible for the administration of Solid Waste Management Ordinance.
- (B) The County Manager may delegate any or all of the administrative functions, powers and duties specified herein to other appropriate Santa Fe County divisions and departments as deemed necessary to carry out the requirements of the ordinance.
- (C) The County Manager shall establish rules and regulations to carry out the intent and purpose of the Ordinance, shall establish policies and procedures for operations, the billing and collection of service fees, administrative enforcement actions and appeals and grievances.
- (D) The County Manager shall recommend fees to the Board of County Commissioners. Fees other than those provided for in this Ordinance or changes to the fees provided for in this Ordinance 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 Convenience Center 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.
- (F) The County Manager may initiate studies for the need, location, and operation of facilities to recover material or energy from Solid Waste or improved or additional collection services and to implement programs to achieve resource recovery and other studies which will benefit management of Solid Waste in Santa Fe County.
- (G) This Ordinance empowers the County Manager to address special wastes, encourage recycling and waste minimization, and maintain quality standards and educational support of comprehensive solid waste management.
- (H) Upon the recommendation of the County Manager and approval of the Board of County Commissioners by Ordinance, the County may regulate the activities of Commercial Solid Waste Haulers, including, but not limited to, by imposing Solid Waste and recycling reporting requirements, licensing requirements, establishment of exclusive and non-exclusive service areas, and service area fees.
- (I) In the event of an emergency condition, the County Manager may waive or modify the requirements of this Ordinance without regard to any procedures or guidelines promulgated under this Ordinance. In that event, the County Manager shall immediately notify the Board of County Commissioners of the requirements of the Ordinance that were waived or modified as well as the circumstances and duration of the emergency condition.
 - (J) The County Manager shall establish grievance policies and procedures.

Section 6. Solid Waste Collection Authorization

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 tederal 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 sfreets 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 Convenience Centers or other NMED Solid Waste Facilities.

- (B) Handling of Solid Waste By Others. Section (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.

Section 7(A). Preparation Requirements for Solid Waste Not Collected Curbside or Roadside

- (A) Separation of Solid Waste. In order to be accepted at County Convenience Centers, garbage, ashes, constructions and demolition debris, land cleaning debris, scrap metal tires, waste oil, and recyclable materials shall be separated and prepared in accordance with this ordinance and policies posted on the County's website and at the County's Convenience Centers.
- (B) Residential Solid Waste. Residential Solid Waste shall be bagged and shall be free of liquids. Burned Residential Solid Waste shall not be accepted. Large Loads of Residential Solid Waste shall not be accepted.
- (C) Land Clearing Debris and Clean Wood Waste shall be cut to a length of six feet or less, and shall not have a diameter greater than 18 inches. Stumps shall not be delivered to the County Convenience Centers. Land Clearing Debris and Clean Wood Waste must be delivered to designated Convenience Centers and unloaded in accordance with posted rules and regulations.
- (D) Scrap Tires. Used vehicle tires shall be accepted from private residents only. Rims must be removed prior to deliver Each household shall be permitted to dispose of (8) tires per month. Under no circumstances will tires with rims attached be accepted.
- (E) Recyclable Material. All recyclable materials must be appropriately prepared and placed in recycling bins, areas or tanks as posted at County Convenience Centers or instructed by County Convenience Center personnel. Placing recyclable material in refuse bins or areas destined for landfill disposal is prohibited.
- (F) E-Waste. E-Waste shall be source separated from other Solid Waste. E-Waste may only be delivered at special E-Waste collection events, or taken to a County identified E-Waste reuse or recycling facility.
- (G) Household Hazardous Waste. Household Hazardous Waste should be used up according to label instructions. Household Hazardous Wastes are not accepted at Convenience Centers. Rather, Household Hazardous Wastes must be source separated from other Solid

Waste, stored in the original containers, and taken to a Household Hazardous Waste collection facility.

- (H) Household Medical Waste. Household Medical Waste may be placed in with residential Solid Waste. Used sharps (e.g., hypodermic needles) must be placed in an approved sharps container or a thick-walled strong plastic bottle with a tight fitting lid (e.g., a laundry soap bottle) prior to disposal with bagged Residential Solid Waste. Used sharps may not be placed in soda bottles, milk jugs, or other thinned walled containers. Under no circumstances shall used sharps be placed in recyclable bottles in the recyclable bin, as they can cause injury to workers.
- (I) Scrap Metal/White Goods. Residential white goods such as washers, divers, dishwashers, etc., are considered recyclable materials. White good and scrap metals shall not be placed in with Solid Waste for disposal. These items will be accepted as a nucharge item at all Convenience Centers that are identified as accepting scrap metal. Regulated Appliances are not white goods.
- (J) Regulated Appliances. Shall be accepted at no charge if Freon or other coolant has been removed prior to delivery and the appropriate CFC removal verification sticker is attached. Regulated appliances that do not have an affixed CFC removal verification sticker will not be accepted.
- (K) Motor Oil. Motor Oil shall not be mixed with other Solid Wastes. Motor oil shall be delivered in leak-proof containers with secure lids and placed in a storage area or in collection containers a directed by a caretaker. Motor oil shall be collected from private residents only. A maximum of five (5) gallons of motor oil will be accepted per visit.
- (L) Ashes. Hot ashes will not be accepted at County Convenience Centers. Cold ashes are those that are held at least 24 hours prior to delivery to a County Convenience Center, and shall be accepted. Cold ashes shall not be placed in with other Solid Waste for disposal, but, rather shall be placed in a designated ash container as directed by a caretaker.
- (M) Prohibited Materials. Prohibited materials shall not be delivered to any County Convenience Center.
 - (N) Large Loads. Large Loads will not be accepted at Convenience Centers.
- (O) Covered Loads. All loads delivered to Solid Waste Facilities shall be covered or secured. Failure to cover or secure loads will subject the violator to an additional charge and/or citation.

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 inquetal 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.

Section 8. Ownership of Solid Waste

Until such time as the Solid Waste is taken to a Convenience Center or an NMED approved Solid Waste Facility or removed by a licensed private contractor, all Solid Waste generated within the County is owned by and is the responsibility of the licensed private contractor or, should the licensed private contractor fail to remove the Solid Waste from the Responsible Party's property, the Responsible Party. A licensed private contractor who removes Solid Waste from a property shall take ownership of the Solid Waste until it is taken to a Convenience Center or an NMED approved Solid Waste Facility. The licensed private contractor of the refuse or Responsible Party shall certify that the refuse complies with

environmental regulations for household or commercial waste. In the event the refuse is determined to be hazardous or not appropriate for disposal at a Convenience Center, the County reserves the right to assess the licensed private contractor or Responsible Party with the costs of processing and disposal of the refuse.

Section 9. Collection of Solid Waste

(A) Collection Points. Santa Fe County will establish and maintain Solid Waste and recycling Convenience Centers at such places with such hours as it may determine to be expedient from time to time. At the time of passage of this Ordinance, Santa Fe County maintains the collection centers described below:

Convenience	Location	Community
Center		20
Nambe	NM 503	Chimayo/Nambe
Jacona	NM 502	Pojoaque Jacona
Tesuque	NM 592	Tesuque Chupadero
San Marcos	CR 42	Cerrillos/Galisteo
Eldorado	US 285	Eldorado/Hondo
Stanley	CR 17A	Stanley/Edgewood
La Cienega	CR 54B	La Gienega/La Cieneguilla
Rancho Viejo	Avenida Del Sur	Rancho Viejo
Recycling Center		•

Changes in the number or location of Convenience Centers shall not require amendment to this Ordinance.

(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 on other types of collection procedures deemed appropriate for the area by the County Manager for residential collection.
 - (C) Frequency of Solid Waste Collection.
- 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 formandator 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 materials hall 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.

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 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 rule 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.

Section 10. Prohibited Solid Waste at Convenience Centers

The following types of Solid Wastes are prohibited at any County Convenience Center. It shall be a violation of this Ordinance for any persons to deliver or attempt to deliver such Solid Wastes to a County Convenience Center:

- (A) Any type of Solid Wasteregulated as a "Special Waste" under 20.9 NMAC.
- (B) Regulated Medical Waste. All Regulated Medical Wastes must be properly "red bagged" and handled by a licensed medical waste hauler. The producer shall be responsible for the proper disposal of Regulated Medical Waste.
- 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. The producers or possessors of such material shall immediately notify Santa Fe County, who shall provide technical assistance on the proper collection and disposal of such material. In do in so, however, Santa Fe County shall not assume responsibility for the proper collection disposal of such material.
 - (D) Any Prohibited Material, as defined herein.
 - (E) Large Loads, as defined herein.

Section 11. Prohibited Acts

In addition to any other act prohibited under this Ordinance, the following acts are prohibited. Violators may be cited and if convicted, punished in accordance with Section 12 of this Ordinance.

- (A) Permit Abuses. Obtaining a permit under false pretenses, using a permit for other than its authorized purposes, the unauthorized transfer of a permit to another person, or the counterfeiting of permits.
 - (B) Uncovered Loads. Transporting and delivering uncovered/unsecured loads
- (C) Unbagged Loads. Transporting and delivering un-bagged wastes trat are required to be bagged under this Ordinance.
- (D) Preparation Requirements. Not properly preparing or disposing of material as specified in Section 7, "Solid Waste Preparation Requirements" of the Ordinance.
- (E) Unauthorized Locations/After Hours Disposal. Disposal of wastes at unauthorized locations within a Convenience Center. Leaving waste at a Convenience Center after hours.
- (F) Prohibited Materials. Delivery and disposal or the attempted delivery or disposal of Prohibited Materials.
- (G) Hazardous Waste. Delivery and disposal or the attempted delivery or disposal of Hazardous Waste in any manner other than as provided for in the Hazardous Waste Act. NMSA 1978, 74-4-1, et seq.
- (H) Misuse of Recycling Bins Areas. Disposal of non-recyclable Solid Wastes, refuse, or Garbage in recycling bins or in recycling areas.
 - (I) Scavenging
- (J) Interference with Caretakers. Interfering with, harassing, or assaulting a Caretaker or other Santa Fe County employee work at a Convenience Center.
 - (K) Illegal Dumping.
- (L) Accumulation of C & D Debris. Debris resulting from construction or demolition of structures may be collected within an active construction site only if the Solid Waste is contained in such a manner that it will not be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the County.

- (M) Open Burning. Open burning of Solid Waste is prohibited within the County, provided, however that the burning of certain types of Yard Waste pursuant to a validly issued permit from the County Fire Marshall shall not constitute prohibited Open Burning.
- (N) Accumulation of Solid Waste. It shall be unlawful to allow any Solid Waste to unreasonably collect or accumulate on any lot or other premises within the County.
- (O) Posted Policies. Failure to follow written or posted policies and procedures concerning the disposal of Solid Waste or recycling of Recyclable Material at Convenience Centers.
- (P) Improper Disposal of Recyclable Materials. Disposing of Recyclable Materials in refuse bins or other containers intended for landfill disposal is prohibited.

Section 12. Enforcement and Penalty Schedules

- (A) The Santa Fe County Sheriff and the Sheriff's deputies, the Solid Waste Compliance Officer, and Santa Fe County Code Enforcement Officers (collectively, "Authorized Enforcement Officers") are hereby authorized to enforce this Ordinance by issuing notices of violation and citations and/or by taking administrative action, such as confiscating a permit or revoking Convenience Center privileges, when such action is authorized herein and subject to the policies and procedures promulgated hereunder.
- (B) Advisory Warning. Prior to taking formal enforcement action via a Notice of Violation or Issuance of a Citation for violation of this Ordinance, an Authorized Enforcement Officer, at the Officer's discretion, may issue a written Advisory Warning, the purpose of which is to educate the offender of the specific requirements and purpose of the provision of this Ordinance that was violated and warn the offender that formal enforcement action may be taken for future violations. Advisory Warnings may also be issued by County staff that is not an Authorized Enforcement Officer.
- (C) Notice of Violation. Any person who violates any provision of this Ordinance may be issued a Notice of Violation or Citation. The decision whether to issue a Notice of Violation or Citation is a matter within the discretion of the Authorized Enforcement Officer.
- (D) Any person who receives a Notice of Violation shall have the period specified in the Notice of Violation to complete the acts specified and/or to achieve compliance with the requirement cited. A Notice of Violation may set forth different compliance dates for each respective Fiolation cited or specified. Failure to remedy the violations cited or complete the acts specified within the time frames set forth in a Notice of Violation will result in the issuance of a Citation.
- (E) Citation. An Authorized Enforcement Officer may institute a criminal prosecution for the violation of this Ordinance by issuing a citation charging the violation.

- (F) Inspection. An Authorized Enforcement Officer may make such inspections as are reasonably necessary to the enforcement of this Ordinance. All portions of vehicles and containers used to haul, transport, or dispose of Solid Waste and recyclable materials shall be subject to inspections to ascertain compliance with this Ordinance, as well as rules, regulations, and policies promulgated hereunder.
- (G) Burden of Proof. In the event any person's name or other identification is affixed or found on any illegally disposed of Solid Waste, such evidence shall constitute prima facie evidence and presumptive proof of a violation of this Ordinance. In such case, the burden of proof to establish a non-violation of this Ordinance shall be on such person.

(H) Schedule of Penalties

	et		0/10
Section Violated	1 st Offense	2 nd Offense	Ald and Sabsequent
			Offenses
11(A) – Permits	Confiscation of permit	Confiscation of permit	Confiscation of permit
Abuses	and loss of privilege	and loss of privilege	and loss of privilege of
	of the involved	of the involved	the involved person(s)
	person(s) to use	person(s) to use	to use Convenience
	Convenience Centers	Convenience Centers	Centers for three years.
	for one year.	for one year	If citation is issued and
	If citation is issued	If citation is issued	person charged is found
	and person charged is	and person charged is	guilty, the criminal
	found guilty, the	found guilty, the	penalty shall be a fine of
	criminal penalty shall	criminal penalty shall	up to \$300 and/or up to
	be a fine of up to \$300	be a fine of up to \$300	14 days imprisonment.
	and/or up to 2 days	and/or up to 7 days	
	imprisonment)	imprisonment.	
11(B) - Uncovered	Assessment of two (2)	Upon conviction after	Upon conviction after
Loads	additional Trip	issuance of a citation,	issuance of a citation,
	Punches and/or	the criminal penalty	the criminal penalty
	issuance of	shall be a fine of not	shall be a fine of not
	citation. If citation is	less than \$100.00.	less than \$100.00 nor
	issued and person		more than \$200.00
6	charged is found		
	guilty, the criminal		
	penalty shall be a fine		:
	of not less than		
	\$50.00.		
11(C) - Unbagged	Advisory Warning,	Upon conviction after	Upon conviction after
Loads	assessment of one (1)	issuance of a citation,	issuance of a citation,
	additional Trip Punch,	the criminal penalty	the criminal penalty
	and/or issuance of	shall be a fine of not	shall be a fine of not
	citation. If citation is	less than \$50.00.	less than \$100.00.
	issued and person		
	charged is found		

	guilty, the criminal penalty shall be a fine of not less than \$25.00.		
11(D) – Preparation Requirements	Advisory Warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100,000 nor more than \$200 for each violation.
11(E) –	Upon conviction after	Upon conviction after	Upon conviction after
Unauthorized	issuance of a citation,	issuance of a citation,	issuance of a citation,
Locations/After	the criminal penalty	the criminal penalty	the criminal penalty
Hours Disposal	shall be a fine of not less than \$100.00 nor	shall be a fine of not	shall be a fine of not
	more than \$300.00	less than \$200.00 nor more than \$300.00	less than \$300.00 and/or
	and/or up to 30 days	and/or up to 60 days	up to 90 days imprisonment.
	imprisonment.	imprisonment.	imprisonnent.
11(F) – Prohibited	Confiscation of permit		Confiscation of permit
Materials	and loss of privilege	and loss of privilege	and loss of privilege to
	to use Convenience	to use Convenience	use Convenience
	Centers for one year.	Centers for two years.	Centers for two years.
	If citation is used and	If citation is issued	If citation is issued and
	person charged is	and person charged is	person charged is found
	found guilty, the	found guilty, the	guilty, the criminal
	criminal penalty shall be a fine of not more	criminal penalty shall be a fine of not more	penalty shall be a fine of
	than \$100 and/or up to	than \$200 for each	not more than \$300 and/or up to 90 days
	90 days	violation and/or up to	imprisonment. Referral
	imprisonment.	90 days	to NMED for possible
		imprisonment.	additional action.
	Possible referral to		
	state or federal	Referral to NMED for	
	authorities for	possible additional	
	possible additional action under state or	action.	
	federal law.		
11(G) – Hazardous	Confiscation of permit	Same as first offense.	Same as first offense.
Wastes	and permanent loss of		Came as mist diffense.
	privilege to use	4	
	Convenience Centers.		
	If citation is issued		
	and person charged is		

	found guilty, the criminal penalty shall be a fine of not less than \$5,000 and/or 90 days imprisonment. Referral to NMED for possible additional action under State Law.		CK
11(H) – Misuse of Recycling Bins/Areas	Advisory warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.
11(I) - Scavenging	Advisory warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$59.00.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100 for each violation.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$250.00.
11(J) – Interference with Caretakers	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$300.00 and/or 30 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$200.00 nor more than \$300.00 and/or 30 days imprisonment. In addition, the defendant shall be banned from Convenience Centers for not less than one (1) year.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300.00 and/or 90 days imprisonment. In addition, the defendant shall be permanently banned from Convenience Centers.
11(K) – Illegal Dumping	Upon conviction after issuance of a citation,	Upon conviction after issuance of a citation,	Upon conviction after issuance of a citation,
	the criminal penalty shall be a fine of not	the criminal penalty shall be a fine of not	the criminal penalty shall be a fine of not

	less than \$300 nor more than \$500 and/or 60 days imprisonment.	less than \$500.00 nor more than \$1,000.00 and/or 60 days imprisonment.	less than \$500.00 nor more than \$1,000.00 and/or 90 days imprisonment.
11(L) -	Upon conviction after	Upon conviction after	Upon conviction after
Accumulation of	issuance of a citation,	issuance of a citation,	issuance of a citation,
C&D Debris	the criminal penalty	the criminal penalty	the criminal penalty
	shall be a fine of not	shall be a fine of not	shall be a fine of not
	less than \$25.00 nor	less than \$75.00 nor	less than \$100
44.5	more than \$50.00.	more than \$100.00.	
11(P) – Improper	Advisory Warning or	Upon conviction after	Upon conviction after
Disposal of	issuance of	issuance of a citation,	issuance of a citation,
Recyclable	citation. If citation is	the criminal penalty	the criminal penalty
Materials	issued and person	shall be a fine of not	shall be a fine of not
	charged is found	less than \$50.00 nor	less than \$75.00 nor
	guilty, the criminal	more than \$100.	more than \$200.
	penalty shall be a fine		7
	of not less than		
	\$25.00.	<u> </u>	

A violation of this Ordinance for which penalties are not specified above shall be subject to criminal penalties of a fine of not less than \$50 nor more than \$300 and/or 30 days imprisonment.

Section 13(A). Service Fees for Use of Convenience Centers

Disposal of solid waste at Convenience Centers requires the payment of service fees. No service fee is required for the recycling of recyclable material. Solid waste fees are adopted herein and shall be updated and amended, as necessary, by ordinance, adopted by the Board of Commissioners. Disposal of residential and commercial solid waste is covered by the same service fees.

(A) Solid Waste Service Fees

Solid Waste Permits consist of a 12 Trip Punch Permit, 6 Trip Punch Permit, 1 Trip Permit, and Bag Tags. Permits do not expire until fully used up. Permits must be obtained and purchased in advance of use at the Convenience Centers and are non-refundable. Solid waste permit fee changes, if any, take effect January 1 of each year.

- (2) Bag Tags: Each Bag Tag is good for the disposal of up to 30 gallons of Solid Waste.
- (3) Santa Fe County residents and businesses residing outside of incorporated areas may purchase all types of solid waste permits.
- (4) Santa Fe County residents residing within incorporated areas may only purchase a 1 Trip Permit.

- (5) Low Income Discount: Convenience Center patrons with an Adjusted Gross Income less than \$24,000 on their most recent federal income tax return shall be entitled to a \$5 reduced fee for the 6 Trip Punch Permit and a \$10 reduced fee for the 12 Trip Punch Permit.
- (B) Schedule of Solid Waste Permit Fees (by calendar year)
 - (1) 12 Trip Punch Permit: 2015 \$65.00, 2016-\$75.00, 2017 \$85.00, 2018-\$110.00, 2019-\$140.00
 - (2) 6 Trip Punch Permit: 2015 \$35.00 2016 \$45.00, 2017 \$55.00, 2018 \$70.00 2019 \$95.00
 - (3) 1 Trip Permit: 2015 \$15.00, 2016 \$16.00, 2017 \$17.00, 2018 \$18.00, 2019 \$19.00

Bag Tags: 2015 - \$6.00 2016 - \$7.00, 2017 - \$8.00. 2018 - \$9.00. 2019 - \$10.00

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 rees 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 therentire 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.

Section 14. Injunctive Relief

Where any act in violation of this Ordinance threatens the public health; welfare, or safety, Santa Fe County may seek from a court of competent jurisdiction a restraining order or injunction requiring the abatement of such violation. Such injunctive relief shall be in addition to and not in lieu of any other remedy or penalty authorized in this Ordinance or under law.

Section 15. Recovery of Damages

A person violating this Ordinance is responsible for all damage caused to Convenience Centers or Santa Fe County equipment as a result on the violation. Santa Fe County may recover such damages from the violator in a lawsur brought in a court of competent jurisdiction or as court ordered restitution and such recovery is in addition to and not in lieu of any other remedy or penalty authorized in the Ordinance or under law.

Section 16. Effective Date

6.

This Ordinance shall become effective on January 1, 2015.

Section 17. Repeal of Santa Fe County Ordinance Nos. 2010-5, 2012-7, 2013-3, and 2014-6

This Ordinance repeals and replaces Ordinance Nos. 2010-5, 2012-7, 2013-3, and 2014-

2014, by the
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PROPOSED CITY ANNEXATIONS PHASE II

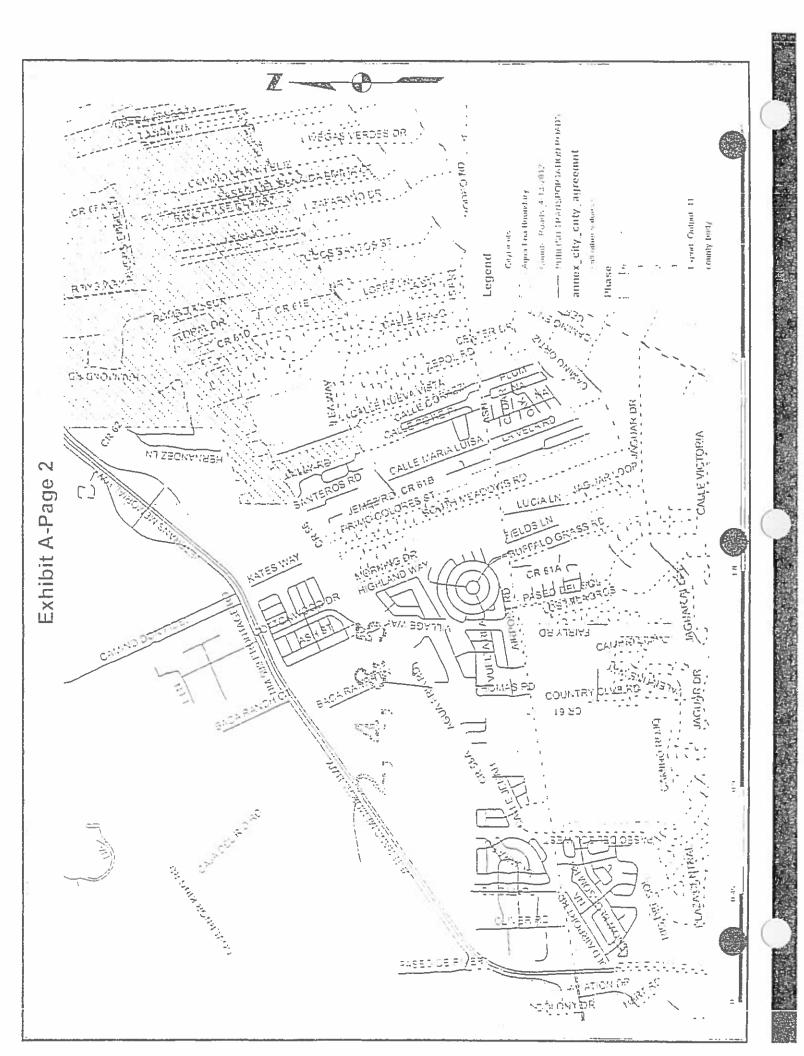
ROUTE NAME	ROUTE NUMBER
Country Club Estates	
Fairly Road	
Calle de Vencejo	
Calle Zanate	
Calle Chupa Rosa	
Calle Tangara	
Jimenez Subdivision	
Morning Drive	
Morning Street	
Morning Lane	
Town and Country Subdivision	
Camino Jalisco	<u> </u>
Calle VeraCruz	
Durango Drive	
Rancho de la Luna Subdivision	
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
	107
Other Roads Continuted	
Academy Rd	

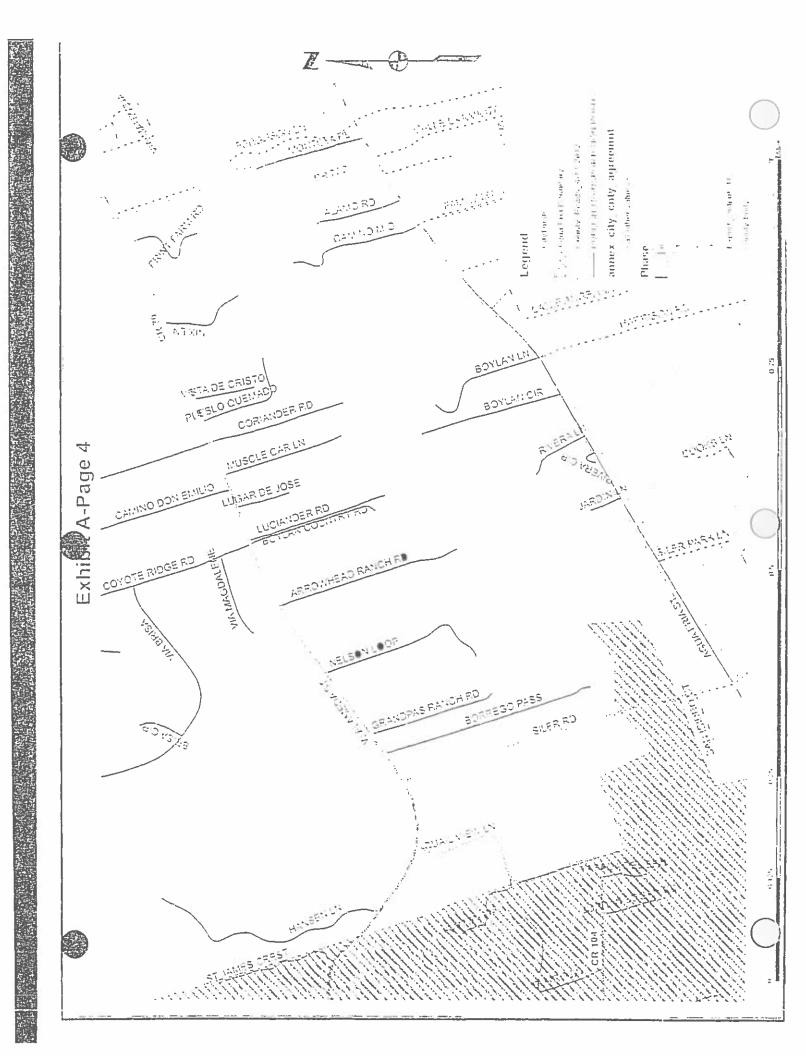
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Calle Zanate	Calle Unidad	
Calle Zanate	Calle Vencejo	
Caminito Quintana	Calle Zanate	
	Caminito Quintana	

ROUTE NAME	ROUTE NUMBER
Camino Cementerio	- 1
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 Pi	
Constellation Dr	
Coriander Rd	
Corte Ct	
Cottonwood Dr	7
Country Club Garden	
Country Club Rd	2.1
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	N
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	

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	

Rayon Dr Rays Corner Redwood St Ridgeline Dr Rivera Cir Rivera Ln	
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Riverside Lp	$\overline{}$
Roadrunner Ct	- 31
Roadrunner Ln	
Rosewood St	
Sagebrush Rd	
Sandy Creek Rd	\neg
Santa Fe Rd	
Santeros Rd	- 8
Saratoga in	
Scott PI	
Senda Corvo	ΥÌ
Senda Corvo Ct	
Siler Rd	
Sin Pena Park	
Snow Blossom Rd	
South Meadows Road	
Sundance St	
Sunchine Way	
Sycamore Lp	
Tobasco Ln	
Thomas Ct	Į.
Thomas Rd	
Vereda De Valencia	
Vicente Leyba	
Village Way	
Vista De Cristo	\neg
Vista Del Norte	8
Vuelta Real	. 3
Vuelta Ventura	
W Gateway Dr	
W Prince Rd	
Walnut St	
Willy Rd	
Wolfcreek Rd	
Yucatan	





THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2014-

AN ORDINANCE ADOPTING THE SOLID WASTE AND RECYCLING MANAGEMENT ORDINANCE AND REPEALING ORDINANCE NOS. 2010-5, 2012-7, 2013-3, AND 2014-6

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA EE COUNT:

Section 1. Short Title

This Ordinance may be cited as the "Solid Waste and Recycling Management Ordinance."

Section 2. Purpose

The purposes of this Ordinance is are 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: and
- D.E. Promote to the greatest extent possible, waste reduction and the reuse and recycling of majerials to further resource conservation and minimize landfill disposal.

Section 3. Authorify

This Ordinance is enacted pursuant to the authority granted to counties in (i): NMSA 1978, Section 4-37-1 to, among other things, provide for the safety, preserve the health, promote the prospecity and improve the morals, order, comfort and convenience of the County or its inhabitants, and (ii) NMSA 1978, Sections 4-56-1 through 4-56-3 to establish, maintain, manage, and supervise a system of storage, collection and disposal of refuse.

Section 4. Definitions

The following words shall have the following meanings in this Ordinance, unless the context clearly indicates or requires a different meaning.

The words "shall" or "must" are mandatory and not discretionary; the words "may" or "should" are permissive.

"Administrator" means the Santa-Fe County Manager or such other office or employee of Santa-Fe County who the County Manager he designates to be responsible for the management of Santa-Fe County's solid waste system and programs.

"Asbestos Waste" means the friable solid waste that contains more than one percent asbestos by weight and that can, when dry, be crumbled, pulverized or reduced to powder by hand pressure.

"Ashes" means the solid residue from the burning of wood, coal, coke or other combustible material.

"Authorized Reuse Area" means a posted area provided at a Transfer Station Convenience Center in which persons may leave unwanted reusable materials.

"Bagged Wastes" means garbage, refuse, rubbish, solid wastes, <u>and</u> pet wastes that is <u>are</u> placed in a flexible container (bag) with a single opening that is closed and tied in a manner so as to prevent spillage or escape of the materials during transport and prior to delivery to a <u>transfer stationConvenience Center</u>.

"Board of County Commissioners" means the Board of County Commissioners of the County of Santa Fe.

"Brush and Tree Waste". See Land Clearing Debris.

"Caja_del_Rio Landfill" means the disposal site permitted by the New Mexico Environment Department and operated by the Santa Fe Solid Waste Management Agency, an entity jointly created by the governments of the City of Santa Fe and the County of Santa Fe.

Caretaker means a solid waste facility attendant.

12"_x 6", brick, stone, rock, and uncontaminated soil. Clean Fill must be free of other Solid Wastes or Hazardous Waste, and the use of this material must not create a public nuisance or adversely affect the environment in which it is placed.

"Clean Wood waste Waste" means pallets, unpainted and untreaded untreated scrap wood, and carpenter trimmings that do not exceed 6 feet in length or 21.5—feet in width and that do not contain nails. Clean Wood waste-Waste does not include construction and demolition

wood with attached wallboard, large-amounts of nails, paint, metal bracing, or Brush and Tree waste Waste.

"Commercial Solid Waste" means all types of solid waste generated by hotels, stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, sites containing four or more Dwelling Units, churches, schools, recognized educational institutions or other non-Residential Solid Waste generators.

"Commercial Solid Waste Contractor" means persons possessing a valid Salia Fe County business license or permit retained and paid to perform services that generates Solid Waste and/or that involves the processing, removal and transport of Solid Wastes, including, but not limited to, Construction and Demolition Debris and Land Clearing Debris from dw fling units, commercial establishments, pueblos, or industries, but for whom waste collection and transportation is auxiliary to the principal services they provide (e.g., remodeling contractors, "handymen", roofers, construction firms, carpet installers, gardeners, tree services, and land-clearing contractors). The term does not include an individual transporting solid waste generated on or from -his own, personal residential premises for the purpose of disposing of it in a NMED approved solid waste facility.

"Commercial Solid Waste Hauler" means any person possessing a valid Santa Fe County business license or permit whose primary service is to collect solid wastes or recyclable materials from single or multiple residential dwellings, commercial or business locations, industries or other generators of solid wastes and transport/haul them for the purpose of disposal or recycling.

"Commercial Solid Waste Fees" means fees charged Commercial Solid Waste generators, Commercial Solid Waste Commercial Solid Waste Haulers in order to use Convenience Centers Transfer Stations.

"Commercial Mehicle" medns any Class 3 vehicle that exceeds a one ton vehicle rating; weighs more than 8,000 pounds when empty, and/or has sideboards higher than three (3) feet above the floor of the tox ortrailer bed. Commercial Vehicle also includes up to any Class 3 one ton rated or larger vehicle towing (i) a two (2) axle trailer longer than 16 feet or with sideboards three (3) feet or higher measured from the trailer bed; (ii) a three (3) axle trailer; or (iii) any horse trailer that can haul more than two (2) horses. Commercial Vehicle also includes any Class 1 or higher vehicle. Class vehicle references used herein are as defined by the Federal Highway Administration.

"Composting" means the biological decomposition of green waste and other organic solid waste under controlled conditions to create a soil amendment product for beneficial use as a source of nutrients, organic matter, erosion control, or other essential constituent for a soil or plant.

"Construction and Demolition Debris" or "C&D Debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of structures, utilities, and roads. C & D debris is generally considered water insoluble and

nonhazardous, and includes, but is not limited to: bricks, concrete, and other masonry materials, asphalt, roofing materials, steel, glass, pipe, gypsum wallboard and lumber. Construction and Demolition Debris does not include asbestos, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, furniture, appliances, tires, drums, containers greater than ten gallons in size, any containers having more than one inch of residue remaining on the bottom, fuel tanks, brush and tree remains or other vegetative material from land clearing, uncontaminated soil, rocks, or liquids, including, but not limited to, waste paints, solvents, sealers, adhesives or potentially hazardous materials.

"Convenience Center", means a County Solid Waste Facility that collects Solid Waste or Recycling Materials from Residential Solid Waste and Commercial Waste generators and consolidates Solid Waste and/or Recycling Materials in large containers or vehicles for transfer to another Solid Waste Facility for disposal or additional processing. See Transfer Station".

"Corrugated Cardboard" or "Old Corrugated Cardboard" or "OCC" means wood pulp based Kraft paper material that has two, usually smooth, exterior layers and one wavy corrugated interior core, which is used to make cardboard boxes, shipping containers, and packing liners. Corrugated Cardboard always has a corrugated middle layer and may have shiny printing on the outside. OCC does not include wax-coated cardboard, boxboard, cardboard with permanently attached packing materials, cardboard contaminated with food or oils, or single layer boxboard (e.g., cereal, shoe, gift, food boxes, and beer cartons).

"County" means the area within the exterior boundaries of the County of Santa Fe, New Mexico, including privately owned lands or lands owned by the United States or the State of New Mexico.

"County Manager" means the County Manager of the County of Santa Fe.

"County Resident" means any person residing within the County as defined herein.

"Dispose" or 'Disposal" means the abandonment, discharge, deposit, placement, injection, dumping spilling, or leaking of any unwanted or unusable solid waste into or on any land or water.

Dwelling 'or "Dwelling Unit" means a structure, including, but not limited to, a modile home, or portion thereof that (i) has bathroom and kitchen facilities permanently installed and (i) is used or intended to be used by a person or persons for residential purposes. In the case of an apartment complex, each Dwelling within the complex that is or can be separately leased for residential purposes constitutes a separate Dwelling Unit.

"Electronic Waste" or "E-Waste" means relatively expensive and essentially durable electronic products used for data processing, telecommunications or entertainment by private households and businesses, including, but not limited to, computers and related equipment and peripherals, monitors, plotters, scanners, copiers, fax machines, entertainment electronics, VCRs, stereos, CD players, mobile phones, personal digital assistants, and game consoles.

Electronic Waste does not include televisions, electric fixtures, small or large household appliances (e.g., washers and dryers), coffeemakers, microwaves, toasters, or electric and electronic tools.

"Fee" or "Fees" means the residential fees and "Commercial Solid Waste Fees" assessed for the use of Transfer Stations Convenience Centers, in accordance with the fee schedules specified herein.

"Fiscal-Year" or "FV" means the County's operating and reporting year validations on July 1st and ends on June 30th of the following calendar year.

"Garbage" means putrescible solid waste resulting from the preparation cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals, including, but not limited to, animal and vegetable wastes, swill, carrien, and slops. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

"Generator" means any person whose act or process produces a solid waste or whose act first causes solid waste to be subject to regulation.

"Green Waste" means yard waste, lawn clippings deaves and tree trimmings.

"Hazardous Waste" means (i) any solid, semi-solid or liquid waste resulting from industrial, commercial, mining or agricultural operations or from community activities or other discarded material that by reason of its quality, concentration, composition or physical or chemical characteristics may do any of the following: cause or significantly contribute to an increase in mortality or an increase in sentius irreversible illness or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed; (ii) any solid, semisolid or liquid waste so designated by the rules and regulations promulgated pursuant to this ordinance; (iii) any solid, semi-solid or liquid waste that meets any of the Resource Conservation Recovery Act (RCRA) hazardous waste criteria (i.e., ignitable, corrosive, reactive or toxic) or specifically listed in 40 CFR 261 and that is not excluded from regulation as a hazardous waste in 40 CFR 261.4 (b), (iv) any solid, semi-solid or liquid waste that is identified as "Hazardous Waste" in the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., (v) any solid, semi-solid or liquid waste that meets the definition of or is identified as a "Hazardous Substance in the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. Section 9601 et seq., as each such law and regulation may be amended from time to time. Hazardous Waste also means any solid, semisolid, or liquid waste that, because of its properties, is considered Hazardous Waste and is required to be disposed of at an appropriately permitted Hazardous Waste facility under any analogous or succeeding federal, state, or local law, rule or regulation or by any governmental agency or unit having appropriate jurisdiction.

"Hearing-Examiner" means the County Manager or his her designee.

"Hot Waste" means any waste that is hot to the touch, on fire, smoldering or that may ignite once placed with other solid wastes at a Solid Waste Facility. Also see the definition of "Ashes".

"Household Waste" means any solid waste, garbage derived and discarded from Dwelling Units, hotels, motels, public and private campgrounds, picnic grounds, and day-use recreation areas.

"Household Hazardous Waste" or ("HHW") means a wide range of household products that have the characteristics of Hazardous Waste including but not limited to, pesticitles and herbicides, oil based paints, liquid latex paints, stains and varnishes, automobile fluids (e.g., antifreeze, motor oil, transmission, steering and brake fluids, gasoline), batteries (automotive and household), pool chemicals, hobby chemicals, darkroom chemicals. Federal lawspeelfically exempts Household Hazardous Waste from regulation as Hazardous Waste because of the point of generation. Because of the hazards posed by HHW, it should-shall not to placed with other Solid Waste for disposal. See "Special Waste".

"Household Medical Waste" means. Household Waste that, but for its point of generation, would be a regulated Medical Waste. (e.g., used sharps including hypodermic needles, bloody/soiled bandages and dressings, disposable sheets and clothing, medical gloves, dialysis machine filters, etc.).

"Illegal Dumping" means disposal of any solid waste, recyclable material, at any location other than at an approved Solid Waste Facility.

"Industrial Solid Waste" means solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of Resource Conservation and Recovery Act (RCRA). Such waste may include, but is not limited to, waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; norganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals, plastics and resins manufacturing; nulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

**Infectious Waste" or "Regulated Medical Waste" means any solid waste that is generated in the diagnosis, treatment (e.g., provision of medical or veterinary services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The term does not include any "Hazardous Waste." Includes biological products (e.g. vaccines, cultures), blood products, body fluids, infectious wastes, or materials soiled with these products from hospitals, clinics, nursing homes, health maintenance organizations, doctor and dentist offices, blood plasma centers, laboratories, veterinary practices or as specified in 20.9 NMAC. Includes a limited class of substances that carry a probable risk of transmitting disease to humans, including but not limited to:

- 1. Microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;
- 2. Pathological wastes, including human or animal tissues, organs and body parts removed during surgery, autopsy or biopsy;
- 3. Disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases.
- 4. Human blood and blood products, including waste blood, blood serum and plasma;
- Used sharps, including used hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and
- 6. Contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals.
- "Kraft Paper" and "Brown Paper Bags" means wood pulp based unbleached or bleached papers of high strength used for packaging, meluding brown paper bags.
- "Land Clearing Debris" means vegetative matter resulting from activities such as land clearing and grubbing, utility line maintenance, seasonal, storm, fire or disease related cleanup of trees, and brush, from residential or commercial property or vacant land that do not exceed 24-18 inches in diameter and 6 feet indength, and any and the wood chips generated from such vegetative matter. Large amounts of tumbleweeds shall be considered "Land Clearing Debris" as used herein. "Large amount" means the equivalent of 10 bags of tumbleweeds or greater. Land Clearing Debris does not include stumps, clean fill, or C&D Debris.
- "Large Load" means a load of Solid Waste having a volume greater than 15 cubic vards.(i) a load of Solid Waste weighing more than 4,200 pounds net weight or having a volume greater than 21.23 cubic yards; (ii) a load comprised exclusively of Land Clearing Debris weighing more than 5,400 pounds net weight or having a volume greater than 37.32 cubic yards; (iii) a vehicle towing a two axle trailer longer than 16 feet; or (iv) any Commercial vehicle whether elepty of with any size load.
- "Litter" means solid waste or debris along public or private roadways, rights-of-way, trails, or paths—that was (i) was intentionally or unintentionally dropped or deposited by persons or (ii) fell from uncovered loads or from vehicles transporting Solid Wastes, Land Clearing Debris, Construction and Demolition Debris or other materials.

"Littering" means the act of causing Litter.

"Mixed Papers" means newspapers as delivered, magazines, glossy catalogs, glossy paper, office paper, and junk mail or any combination of these materials.

"Municipality" means any incorporated city, town or village within the County, whether incorporated under general act, special act or special charter, and incorporated counties.

"NMED" means the New Mexico Environment Department.

"Non-County Resident" means any person who is not a County resident as defined herein.

"Non-transferable" means cannot be used by anyone other than the percen (s) to which a transfer stations permit is issued; or as specified herein under Prohibited Acts.

"Open Burning" means the combustion of solid waste without!

- 1. control of combustion air to maintain adequate temperature for efficient combustion:
- containment Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or
- 3. -eControl of the emission of the combustion products, such that combustion products are released directly or indirectly into the open air.

"Operator" means the person (a) responsible for the overall operation of all or any portion of a Solid Waste Facility.

"Owner" means the owner of real property, whether or not the owner resides on the property.

"Permit" means a document, certificate, sticker and/or permit card issued by Santa Fe County authorizing a person to use county operated transfer-station Convenience Centers and recycling drop-off centers

"Person" means a natural person or a firm, partnership, association, joint venture, corporation, estate, trust, company, or any other legal entity of any kind or their representative(s), agent(s), or assign(s).

"Premises" means an improved or unimproved parcel of land together with all appurtenances and structures thereon, whether intended for residential or commercial use, located within the County and outside the corporate limits of an incorporated area.

"Prohibited Load" means a load (i) that includes Prohibited Material as defined herein; (ii) from sources not authorized to use County transfer stations Convenience Centers; or (iii) from unauthorized commercial solid waste contractors; or (iv) that contains any other prescribed items as determined by Santa Fe County.

"Prohibited Materials" means solid wastes that (i) are considered Special Waste under New Mexico Solid Waste Management Regulations_20.9 NMAC; (ii) can cause operational problems, damage to equipment, pose health risks to workers, and/or can have an adverse impact on the environment, or (iii)-or-any other solid waste that that Santa Fe County determines is unacceptable for disposal, recycling or reuse at Transfer StationsConvenience Centers, as Santa Fe County may specify from time to time in written policies or on signs posted at the transfer stationsConvenience Centers. Prohibited Materials include, but are not limited to, the following types of solid waste:

Ammunition, or any items that have the ability to explode or cause in my when injury when run over by heavy equipment and/or when exposed to an ignition source.

Animal wastes -horse, cattle and other large animal manures, an cutting -animal bedding mixed with large amounts are animal of animal wastes.

Asbestos Wastes.

Automobiles and large automobile parts, automobile or equipment lead-acid batteries, automobile parts containing or that contained fluids or liquids (e.g., gasoline tanks). Does not include tire rims that have been removed from tires. Clean Fill.

Construction and Demolition Debrit, including Llarge pieces and large loads of concrete, roofing materials, asphalt or rock. Such items must be delivered to Caja edel -Rio landfill.

Dead Animals: whole dead animals must be delivered to Caja-del_Rio landfill. Explosives, including fireworks or other items that have the ability to explode_or ignite when exposed to an ignition source.

Hazardous Waste,

Hot Waste and Ashes.

Industrial Wastes.

Infectious Waste - Regulated Medical Waste.

Intact Bulk Containers

Large picers and three-loads of concrete, roofing materials, asphalt or rock.

Such items must be delivered to Caja del Rio landfill.

Lead Acid Batteries

Liquids including sewage, septage, and large quantities of frying fats.

Petrpleum or Chemically Contaminated Soils.

Pressurized Cylinders.

Radioactive Waste.

Sewage, Septage and Holding Tank Pumpings.

Sludges.

Any other Item as specified by Federal, State or local law or regulation or as determined by the County Manager.

"Public Place" means any land owned by the community (or open to common use), such as streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, spaces, grounds and buildings.

"Putrescible Waste" means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for disease vectors and/or causing offensive odors. Includes but is not limited to food, spoiled meat, pet wastes, and soiled diapers. Wood is not considered to be putrescible.

"Recognized Educational Institution" means any governmental or private educational institution located in the County.

"Recover" means any act or process by which recyclables or reusables are separated from the solid waste stream for reuse or remanufacture.

"Recyclable Material" means material that would otherwise be solid wisterful that can be collected, separated and/or processed, treated, reclaimed, and placed back in use in the form of raw — materials, or that can beneficially be used or reused Include: The County Manager shall maintain and update, as necessary, an official list of recyclable materials based on the County's ability to process, market and otherwise recover said materials. The most up-to-date Recyclable Materials List shall be posted on the County's web site, at a visible location or locations at the Convenience Centers, and periodically provided to Convenience Center users as part of a "How to Recycle" informational hand-out.

- Corrugated cardboard.
- Kraft paper and brown paper bags
- Mixed-Papers.
- Mixed containers, steel food containers, aluminum cans and used foil balls, and plastic bottles with neels marked with a 1 or 2 on the bottom.
- Glass food and beverage containers, all colors.
- Scrap-metal.
- Used motor oil.
- Other containers, materials and papers not listed herein that Santa Fe County may determine to be recyclable in the future, or for which economically viable markets currently of inithe future may exist.

"Recycling" means any process by which Recyclable Materials are collected, separated or processed and reased or returned to use in the form of raw materials or products.

"Refuse[®] means anything putrescible or nonputrescible that is discarded or rejected as uselessor worthless. See Solid Waste.

"Regulated Appliances" means any device which contains and uses a Class I or Class II substance as a refrigerant and which is used for household or commercial purposes as defined in 42 U.S.C. 7671a and regulations promulgated thereunder; including all air conditioners, refrigerators, chillers, or freezers, except such devices that are designed and used exclusively for military purposes, or as specified in U.S. EPA Clean Air Act (CAA) Section 608, and 40 CFR, Subpart F. The Federal Clean Air Act prohibits the venting or release of Freon, CFC and

hydrochlorofluorocarbon (HCFC) refrigerant gases, from discarded appliances when they are disposed or recycled.

"Residential Solid Waste" means solid waste and recyclable material generated from a site that contains three or less Dwelling Units.

"Residential Vehicle" means motor vehicles in the following classes as defined by the Federal Highway Administration: (i) Class I Motorcycles; (ii) Class 2 Passenger Cars and (iii) Class 3 Other Two Axle, Four Tire: Single Unit Vehicles provided, however, dist p. Class 3 motor vehicle that exceeds a one (1) ton rating is not a residential vehicle. A Residential Vehicle may, without losing its Residential Vehicle classification, tow (i) a single axel trailer with three feet side boards measured from the trailer bed; (ii) a two (2) axle trailer that is a maximum of 16 feet long and that has a maximum of, three (3) foot sideboards measured from the trailer bed; (iii) a two horse trailer. Does not include commercial vehicle as defined herein.

"Responsible Party" means the legal owner(s) of any premises located within the County, whether vacant, improved, or unimproved, on which Solid Waste is generated or found.

"Renter" or "Tenant" means a County Resident or other person who does not own the land, dwelling or structure in which they reside or conduct business, where such land, dwelling, or structure is located within the County.

"Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

"Reuse Area" means a designated, marked area at a <u>Transfer-StationConvenience Center</u> for the placement of unwanted materials that can reasonably be expected that another person could take and Reuse. Removing reusable items from the Reuse Area is authorized and is not Scavenging. Not all stations may have Reuse Areas.

"Rubbish". See Solid Waste.

"Scavenging" means the unauthorized searching through and/or taking of anything from discarded solutions or Recyclable Materials located within any area of a transfer station Convenience Center; provided, however, that the taking of items from a Reuse Area is authorized and does not constitute Scavenging.

"Scrap Tire" means any tire that is no longer suitable for its originally intended purpose because of wear, damage or defect. A scrap tire does not include a tire with a rim.

"Scrap Metal" means used or unwanted metal appliances (e.g., stoves, dryers, dishwashers, washing machines, water heaters), pieces or sheets of metal, metal toys, poles, bicycle frames, strapping wires, clean metal drums with bottoms removed, metal doors, or scrap aluminum. Scrap Metal does not include plastic appliances, microwaves, televisions, automobiles and automobile parts, E-Waste, electrical wire, or Regulated Appliances.

"Secured Load" or "Covered Load" means any load covered in such a manner as to prevent (i) the covering or the load from becoming loose or detached; (ii) the creation of Litter; and (iii) the load from dropping, shifting, leaking or otherwise escaping.

"Septage" means the contents of a septic tank, cesspool or other residue from an individual or public owned sewage treatment facility.

"Single Trip Permit" means a permit purchased for a single trip to a Convenience Center. Up to 15 cubic yards of Solid Waste may be disposed using a Single Trip Permit.

"Sludge" means any solid, semisolid, or liquid waste resulting from the treatment of wastewaters, excluding treated liquid effluent generated from publicly or privately owned and operated municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control device.

"Solid Waste" means all putrescible and non-putrescible materials generated or originating from residential, commercial, industrial, mining, or community activities or from agricultural operations that are discarded or rejected, whether (1) as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, (ii) as having served their intended use, or (iii) for —any other reason. Materials that are stored and managed to facilitate their disposal, or are discarded from one use but are accumulated for reuse elsewhere unless specifically excluded by Federal or State regulation or variance. Solid Waste includes, but is not limited to, garbage, waste food, trash, rubbish, refuse, construction and demolition debris, and other solid or semi-solid materials. Solid Waste does not include untreated domestic sewage or radioactive waste.

"Solid Waste Facility" means a facility that accepts solid waste from the public and that is permitted or registered by the NMED (if required) and appropriately zoned and approved by the Board of County Commissioners (if required) to accept solid waste from the public. Solid Waste Facilities include convenience Convenience centers Centers, transfel stations, and landfills.

"Source Separation" means the segregation of recyclables and other recoverable materials from non-recyclable solid waste at the point of generation for separate placement in bins or receptacles at a Solid Waste Facility and/or for donations, sale or other disposition. Source Separation includes the separation of recyclables from each other if required by Santa Fe County policy. The residue remaining after recyclables are removed from the waste stream is not considered source-separated material.

"Special Wastes" means solid wastes that (i) require special handling, preparation, and/or transportation before disposal to ensure proper operation of transfer-stationConvenience Center facilities and/or (ii) have specific regulatory requirements to ensure protection of the environment and the public health, welfare and safety. Special Wastes include, but are not limited to, the following:

Ashes;

- 2. Construction and Demolition Debris;
- 3. Clean Fill:
- 4. Clean Wood_wasteWaste;
- 5. Electronic Waste (E-Waste), which is generally not accepted at Convenience Centers except on special collection days;
 - 6. Household Hazardous Waste (HHW);
 - 7. Household Medical Waste;
 - 8. Land Clearing Debris;
 - 9. Motor Oil:
 - 10. Pet Wastes;
 - 11. Regulated Appliances;
 - 12. Tires;
 - 13. Scrap Metal;
 - 14. Any other material that Santa Fe County may designate from time-to-time in written policies or on signs posted at Solid Waste Facilities.

"Storage" means the accumulation of Solid Waste for the purpose of processing or disposal.

"Transfer" means the handling and storage of solid waste for reshipment, resale, or disposal, or for waste reduction or resource conservation.

"Transfer Station" means a NMED registered or permitted Solid Waste Facility that collects and consolidates Solid Waste or Recyclable Materials in large containers or vehicles for transfer to another Solid Waste facility and includes, but is not limited to, a "convenience center" that accepts Solid Waste from Residential Solid Waste or Commercial Waste generators.

"Tribal Resident" means any person residing on federal trust lands within the interior boundaries of Santa Fe County and within the boundaries of a federally recognized Indian pueblo or tribe.

"Trip Punch" means the unit by which a 6 and 12 Trip Punch Permit holder's use of Transfer Station Convenience Centers to discard Solid Waste and Recyclable Materials is measured and charged against their Permit. A single journey to a Transfer Station Convenience Center is not necessarily a single Trip Punch. Rather, the number of Trips a single journey to a Transfer Station Convenience Center equals depends upon the volume amount and type of Solid Waste being discarded. The following single journeys to a Transfer Station Convenience Center equals after number of Trips indicated:

Load Volume in Cubic Yards	Number of Trip Punches
Five (5) or less.	1
More than five (5) but not more than ten (10).	2
More than ten (10) but not more than fifteen	3

In addition, regardless of the total volume of the delivered load, the disposal of up to 4 tires requires the use of one additional Trip Punch and the disposal of 5 to 8 tires requires 2 additional Trip Punches.

(A) Trip (one (1) punch of Permit) for All Solid Waste Loads Except Loads
Comprised Exclusively of Land Clearing Debris and/or Clean Wood_wasteWaste.

(1) At Transfer Stations with scales, one (1) trip is equal to a Residential Vehicle, with or without a trailer, discarding a maximum net weight of 1,400 pounds of Solid Waste. An additional Trip will be charged for each successive increment of 1,400 pounds of Solid Waste discarded up to a maximum of 1,200 pounds of Solid Waste (i.e., 1,401 pounds up to a maximum of 2,800 pounds of Solid Waste equals two (2) Trips and 2,801 pounds up to a maximum of 1,200 pounds of Solid Waste equals three (3) Trips and

(2) At transfer stations without scales, one (1) trip is equal to a maximum of 7.11 cubic yards of Solid Waste. An additional Trip will be charged for each successive increment of 7.11 cubic yards of Solid Waste discarded up to a maximum of 21.33 cubic yards of Solid Waste (i.e., 7.12 cubic yards up to a maximum of 14.22 cubic yards equals two (2) Trips and 14.23 cubic yards up to a maximum of 21.33 cubic yards equals three (3) Trips).

(B) Trip (one (I) punch of Permit) for Loads Comprised

Exclusively of Land Clearing Debris and/or Clean Woodwaste. The Trip rates set forth in this Section B apply only to loads comprised exclusively of Land Clearing Debris and/or Clean Woodwaste. If such material is included with other Solid Waste, the Trip rates set forth above in Section A shall apply.

(1) At transfer stations with a scale, use (1) Trip is equal to a load of Land Clearing Debris weighing not more than 1,800 pounds net weight. An additional Trip will be charged for each successive increment of 1,800 pounds of Land Clearing Debris up to a maximum of 5,400 pounds of Land Clearing Debris (i.e., 1,801 pounds up to a maximum of 3,600 pounds of Land Clearing Debris equals two (2) Trips and 3,601 pounds up to a maximum of 5,400 pounds of Land Clearing Debris equals three (3) Trips.

(2) At transfer stations without scales, one (1) trip is equal to a maximum of 12.44 cubic yards of Land Clearing Debris. An additional Trip will

charged for each successive increment of 12.44 cubic yards of Land Clearing Debris up to a maximum of37.32 Cubic Yards of Land Clearing Debris (i.e., 112.15 cubic yards up to a maximum of21.88 cubic yards of Land Clearing Debris equals two (2) Trips and 24.89 cubic yards up to a maximum of 37.32 cubic yards of Land Clearing Debris equals three (3) Trips).

"Typical Weight" means the billable weight for any Commercial Solid Waste Hauler, Commercial Solid Waste Contractor, or Commercial Solid Waste Generator (individually, "Commercial Entity") that is required to establish a billable commercial account and that delivers Solid Waste or Special Wastes to any County transfer station that does not have a scale. A Typical Weight must be established for each vehicle used by the Commercial Entity. A vehicle's Typical Weight shall be determined by weighing the vehicle, fully loaded with Solid Waste or Special Wastes, a minimum of three times at the Eldorado transfer station, on a minimum of

three different occasions, to determine the vehicle's Net Weight. The sum of the Net Weight from each weighing shall be divided by the number of weighings to determine the vehicle's "Typical Weight". Vehicles shall be re weighed at least once per year thereafter, and, if appropriate, adjustments shall be made to the Typical Weight based upon the results of the reweighing. Billing charges will be determined by multiplying the Typical Weight by the amount per ton/pound charged by Santa Fe County.

"Vehicle Weight" means:

- (1) Gross-Weight is the total weight of a vehicle, including passengers and the Solid Waste being transported. In other words, Gross-Weight is the weight as delivered—before a load is dumped.
- (2) Weight is the weight of the vehicle, including passengers, after the Solid Waste has been dumped.
- (3) Net Weight is the difference between Gross Weight and Tare Weight. The Net Weight is the billable or assessed weight of the Solid Waste delivered.

"White Goods" means large metal appliances, washers, divers, microwaves, and dishwashers.

"Yard Waste" means vegetative matter resulting from landscaping and/or land clearing.

Section 5. Administration

- (A) The County Manager or his/her designee is responsible for the administration of Solid Waste Management Ordinance.
- (B) The County Manager may delegate any or all of the administrative functions, powers and duties specified herein to other appropriate Santa Fe County divisions and departments as deemed necessary to carry out the requirements of the ordinance.
- (C) The County Manager shall establish rules and regulations to carry out the intent and purpose of the Ordinance, shall establish policies and procedures for operations, the billing and collection of service fees, administrative enforcement actions and appeals and grievances.
- The County Manager shall recommend fees to the Board of County Commissioners. Fees other than those provided for in this Ordinance or changes to the increased-fees provided for in this Ordinance 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 stationConvenience Center 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.

- (F) The County Manager may initiate studies for the need, location, and operation of facilities to recover material or energy from Solid Waste or improved or additional collection services and to implement programs to achieve resource recovery and other studies which will benefit management of Solid Waste in Santa Fe County.
- (G) This Ordinance empowers the County Manager to address special wastes, encourage recycling and waste minimization, <u>and</u> maintain quality standards and educational support of comprehensive solid waste management.
- (H) Upon the recommendation of the County Manager and approval of the Board of County Commissioners by Ordinance, Santa-Fethe County may regulate the activities of Commercial Solid Waste Haulers, including, but not limited to, by imposing Solid Waste and recycling requirements, licensing requirements, establishment of explusive and non-exclusive service areas, and service area feesimplement a licensing requirementant franchise fee on the collection and transport of Solid Waste, either by amending his Ordfrance or enacting another Ordinance.
- (I) The County Manager may develop and establish procedures and guidelines for waiving or modifying the requirements of this Ordinance in non-emergency situations.
- (II) In the event of an emergency condition, the County Manager may waive or modify the requirements of this Ordinance without regard to any procedures or guidelines promulgated under this Ordinance. In that event, the County Manager shall immediately notify the Board of County Commissioners of the requirements of the Ordinance that were waived or modified as well as the circumstances and duration of the emergency condition.
 - (KJ) The County Manager shall establish grievance policies and procedures.

Section 6. Solid Waste Collection Authorization

Authority to Gollect, Transport and Dispose of Solid Waste. Implementation of (A) Solid Waste Regulation Except as otherwise provided herein, all Solid Waste accumulated in areas indicated on Exhibit A the County shall be collected, and 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 to 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 the Caja del Rio land facility, County Transfer Stations Convenience Centers or other NMED Solid Waste Facilities.

- (B) Handling of Solid Waste By Others. Section (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.

Section 7(A). Preparation Requirements for Solid Waste Not Collected Curbside or Roadside. Solid-Waste Preparation-Requirements

- (A) Separation of Solid Waste. In order to be accepted at County Transfer StationConvenience Centers, garbage, ashes, constructions and demolition debris, land clearing debris, scrap metal tires, waste oil, and recyclable materials shall be separated and prepared in accordance with this ordinance and policies posted on the County's website and at the County's Convenience Centers Transfer Stations
- (B) Residential Solid Waste. Residential Solid Waste shall be bagged and shall be free of liquids. Burned Residential Solid Waste shall not be accepted. Large Loads of Residential Solid Waste shall not be accepted.
- (C) Green Waste. Yard waste, weeds, lawn clippings and leaves shall be bagged, unless put in with land clearing debris for grinding.
- (DC) Landi Clearing Debris and Clean Wood waste Waste shall be cut to a length of six feet or less, and shall not have a diameter greater of than 24-18 inches. Stumps shall not be delivered to the County transfer stationConvenience Centers. Land Clearing Debris and Clean Wood waste Waste must be delivered to designated Transfer StationConvenience Centers and unloaded in accordance with posted rules and regulations.
- (ED) Scrap Tires. Used vehicle tires shall be accepted from private residents only. Rims mustshall be removed prior to delivery or an extra trip will assed for each delivery with rims. Each household shall be permitted to dispose of (8) tires per month. Under no circumstances will tires with rims attached be accepted.
- (FE) Recyclable Material. All recyclable materials must be appropriately prepared and placed in recycling bins, areas or tanks as posted at County Convenience Centers or instructed by County Convenience Center employeespersonnel. Placing recyclable material in refuse bins or

areas destined for landfill disposal is prohibited. Recyclable materials indentified individually herein must be source separated for other Solid Waste and placed in recycling bins as required or as posted or instructed at County Transfer Stations.

- (<u>HF</u>) E-Waste. E-Waste shall be source separated from other Solid Waste, <u>F</u>-Waste may only be delivered at special E-Waste collection events, or taken to a <u>County identified</u> n-E-Waste reuse or recycling facilityirm.
- (IG) Household Hazardous Waste. Household Hazardous Waste should be used up according to label instructions. Household Hazardous Wastes are not accepted at Transfer StationConvenience Centers. Rather, Household Hazardous Wastes must be source separated from other Solid Waste, stored in the original containers, and taken to a Household Hazardous Waste collection eventfacility.
- (4<u>H</u>) Household Medical Waste. Household Medical Waste ean-may be placed in with residential Solid Waste. Used sharps (e.g., hypodermic needles) must be placed in an approved sharps container or a thick-thick-walled strong plastic bottle with a tight fitting lid. (e.g., a laundry soap bottle) prior to disposal with bagged Residential Solid Waste. Used sharps may not be placed in soda bottles, milk jugs, or other thinned walled containers. Under no circumstances shall used sharps be placed in recyclable bottles in the recyclable bin, as they can cause injury to workers.
- (KI) Scrap Metal/White Goods. Residential white goods such as washers, dryers, dishwashers, etc., are considered recyclable materials. White good and sScrap metals shall not be placed in with Solid Waste for disposal. These items will be accepted as a no charge item at all transfer-stationsConvertience Centers that are identified as accepting scrap metal. Regulated Appliances are not white goods.
- (<u>LJ</u>) Regulated Appliances. Shall be accepted at no charge if Freon or other coolant has been removed prior to delivery and the appropriate CFC removal verification sticker is attached.

 Regulated appliances that do not have an affixed CFC removal <u>verification sticker will not be accepted may</u>, in the County's discretion, be accepted, subject to a Trip rate charge as posted at the transfer stations.
- (MK) Motor Oil. Motor Oil shall not be mixed with other Solid Wastes. Motor oil shall be delivered in leak-proof containers with secure lids and placed in a storage area or in collection containers a directed by a caretaker. Motor oil shall be collected from private residents only. A maximum of five (5) gallons of motor oil will be accepted per visit.

- (NL) Ashes. Hot ashes will not be accepted at County Transfer StationConvenience Centers. Cold ashes are those that are held at least 24 hours prior to delivery to a County Transfer StationConvenience Center, and shall be accepted. Cold ashes shall not be placed in with other Solid Waste for disposal, but, rather shall be placed in a designated ash container as directed by the earetakera caretaker.
- $(\Theta \underline{M})$ Prohibited Materials. Prohibited materials shall not be delivered to any County Transfer Station Convenience Center.
- (PN) Commercial Vehicles and Large Loads. Commercial Vehicles may not be use at and Large Loads will not be accepted at Convenience Centersmay not be delivered to any County Transfer Station. Rather, Commercial Vehicles and Large Loads must be delivered directly to Caja del Rio Landfill or another NMED approved solid waste facility.
- (Q) Commercial Solid Waste. Commercial Solid Waste will only be accepted at County Transfer Stations in quantities less than 9,000 pounds (C.i., 4.5 tons) not weight. Loads exceeding 9,000 pounds not weight shall be delivered to the Caja del Rip Landfill or other NMED approved solid-waste facility.
- (RO) Covered Loads. All loads delivered to the Solid Waste Facilities shall be covered or secured. Failure to cover or secure loads will subject the violator to an additional charge and/or citation.
- (S) Construction and Demolitions Debris C & D debris shall be cut to a length of six feet or less and to a width of 21 inches or less.
- (T) Clean Fill. Shall be separated from other Solid Wastes and shall be placed in designated fill areas, if available. In order to be considered acceptable in clean fill area (s), individual pieces cannot be larger than 18"X12"X6". (All sites may not have clean fill areas.) Clean fill shall not be placed in waste or recycling collection boxes or compactors. Large loads, slabs, or pieces larger than specified must be taken to the Caja del Rio Landfill and other NMED solid waste landfill facility.
- 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 fine 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 guist 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, factus plants and other sharp objects shall be picked up only if placed in separate non-plastic Gags 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 not onger 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 resultant.
- (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.

Section 8. Ownership of Solid Waste

Until such time as the Solid Waste is taken to a Convenience Center deposited in a landfill or an NMED approved Solid Waste Facility or removed by a licensed private contractor, all Solid Waste generated within the County is owned by and is the responsibility of the licensed private contractor or, should the licensed private contractor fail to remove the Solid Waste from the responsible Responsible party's Party's property, the Responsible Party. A licensed private contractor who removes Solid Waste from a property shall take ownership of the Solid Waste until it is taken to a Transfer StationConvenience Centers or an NMED approved Solid Waste Facility. The licensed private contractor of the refuse or Responsible Party shall certify that the refuse complies with environmental regulations for household or commercial waste. In the event the refuse is determined to be hazardous or not appropriate for disposal at the Transfer Stationa Convenience Center, the County reserves the right to assess the licensed private contractor or Responsible Party with the costs of processing and disposal of the refuse.

Section 9. Collection of Solid Waste

(A) Collection Points. Santa Fe County will establish and maintain Solid Waste and recycling transfer stations Convenience Centers at such places with such hours as it may

determine to be expedient from time to time. At the time s-of the passage of this Ordinance, Santa Fe County maintains the collection centers described below:

Convenience	Location	Community
Center		·
Nambe	NM 503	Chimayo/Nambe
Jacona	NM 502	Pojoaque/Jacona
Tesuque	NM 592	Tesuque/Chupadero
San Marcos	CR 42	Cerrillos/Galisteo
Eldorado	US 285	Eldorado/Hondo
Stanley	CR 17A	Stanley/Edgewood
La Cienega	CR 54B	La Cienega/La Cieneguilla
Rancho Viejo	Avenida Del Sur	Rancho Viejo
Recycling Center		20

Changes in the number or location of Convenience Centers shall not require amendment to this Ordinance.

(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 curoside and roadside collection, area Solid Waste collection on 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 appared, bedding, Solid Waste or other infectious or contagious material from homes, hospitals nutsing 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 tederal regulations regarding transportation and disposal. Hazardous waste materials hall 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 eonvenience Convenience eentersCenters, 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 ambregulations to be developed pursuant to this Ordinance. The guidelines shall be approved by the Board of County Commissioners.

Section 10. Prohibited Solid Waste at Convenience Centers

The following types of Solid Wastes are prohibited at any County Transfer Station Convenience Center. It shall be a violation of this Ordinance for any persons to deliver or attempt to deliver such Solid Wastes to a County Transfer Station Convenience Center:

- (A) Any type of Solid Waste regulateds as a "Special Waste-" under 20.9 NMAC.
- (B) Regulated Medical Waste. All Regulated Medical Wastes must be properly "red bagged" and handled by a licensed medical waste hauler. The producer shall be responsible for the proper disposal of Regulated Medical Waste.
- (C) 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. The producers or possesses of such material shall immediately notify Santa Fe County, who shall provide technical assistance on the proper collection and disposal of such material. In do in so, however, Santa Fe County shall not assume responsibility for the proper collection disposal of such material.
 - (D) Any Prohibited Material, as defined herein.
 - (E) Large Loads, as defined herein.

Section 11/ Prohibited Acts

In addition to any other act prohibited under this Ordinance, the following acts are prohibited. Violators may be cited and if convicted, punished in accordance with Section 12 of this Ordinance.

- (A) Permit Abuses. Obtaining a permit under false pretenses, using a permit for other than its authorized purposes, the unauthorized transfer of a permit to another person, or the counterfeiting of permits.
 - (B) Uncovered Loads. Transporting and delivering uncovered/unsecured loads.
- (C) Unbagged Loads. Transporting and delivering un-bagged wastes that are required to be bagged under this Ordinance.
- (D) Preparation Requirements. Not properly preparing or disposing of material as specified in Section 7, "Solid Waste Preparation Requirements", of the Ordinance.
- (E) Unauthorized Locations/After Hours Disposal. Disposal of wastes any hauthorized locations within Transfer Station a Convenience Center. Leaving waste at a Transfer Stations Convenience Center after hours.
- (F) Prohibited Materials. Delivery and disposal or the attempted delivery or disposal of Prohibited Materials.
- (G) Hazardous Waste. Delivery and disposal or the attempted delivery or disposal of Hazardous Waste in any manner other than as provided for in the Hazardous Waste Act. NMSA 1978, 74-4-1, et seq.
- (H) Misuse of Recycling Bins/Areas. Disposal of non-recyclable Solid Wastes, refuse, or Garbage in recycling bins or in recycling areas.
 - (I) Scavenging.
- (J) Interference with Caretakers. Interfering with, harassing, or assaulting a Caretaker or other Santa Fe County employee work at a Transfer StationsConvenience Center.
- (K) Requiring Recycling: Disposal of Corrugated Cardboard, Kraft Paper, and or Mixed Papers other that in recycling collections bins.
- (L) Large Loads. Disposal or Large Loads or disposal of Solid Waste using Commercial Vehicles.
 - (44k) Illegal Dumping.
- (NL) Accumulation of C & D Debris. Debris resulting from construction or demolition of structures may be collected within an active construction site only if the Solid Waste is contained in such a manner that it will not be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the County.

- (OM) Open Burning. Open burning of Solid Waste is prohibited within the County, provided, however that the burning of certain types of Yard Refuse Waste pursuant to a validly issued permit from the County Fire Marshall shall not constitute prohibited Open Burning.
- (PN) Accumulation of Solid Waste. It shall be unlawful to allow any Solid Waste to unreasonably collect or accumulate on any lot or other premises within the County.
- (QO) Posted Policies. Failure to follow written or posted policies and procedures concerning the disposal of Solid Waste or recycling of Recyclable Material at Convenience Centers Transfer Stations.
- (P) Improper Disposal of Recyclable Materials. Disposing of Recyclable Materials in refuse bins or other containers intended for landfill disposal is prohibited.

Section 12. Enforcement and Penalty Schedules

- (A) The Santa Fe County Sheriff and the Sheriff shis deputies, the Solid Waste Compliance Officer, and Santa Fe County Code Enforcement Officers (collectively, "Authorized Enforcement Officers") are hereby authorized to enforce this Ordinance by issuing notices of violation and citations and/or by taking administrative action, such as confiscating a permit or revoking Transfer Station Convenience Center privileges, when such action is authorized herein and subject to the policies and procedures promulgate thereunder.
- (B) Advisory Warning. Prior to taking formal enforcement action via a Notice of Violation or Issuance of a Citation for violation of this Ordinance, an Authorized Enforcement Officer, at the Officer's discretion, may issue a written Advisory Warning, the purpose of which is to educate the offender of the specific requirements and purpose of the provision of this Ordinance that was violated and warn the offender that formal enforcement action may be taken for future violations. Advisory Warnings may also be issued by County staff that is not an Authorized Enforcement Officer.
- (BC) Notice of Violation. Any person who violates any provision of this Ordinance may be issued a Notice of Violation or Citation. The decision whether to issue a Notice of Violation of Citation is a matter within the discretion of the Authorized Enforcement Officer.
- Any person who receives a Notice of Violation shall have the period specified in the Notice of Violation to complete the acts specified and/or to achieve compliance with the requirement cited. A Notice of Violation may set forth different compliance dates for each respective violation cited or specified. Failure to remedy the violations cited or complete the acts specified within the time frames set forth in a Notice of Violation will result in the issuance of a Citation.
- (ĐE) Citation. An Authorized Enforcement Officer may institute a criminal prosecution for the violation of this Ordinance by issuing a citation charging the violation.

- $(\underline{\pm F})$ Inspection. An Authorized Enforcement Officer may make such inspections as are reasonably necessary to the enforcement of this Ordinance. All portions of vehicles and containers used to haul, transport, or dispose of Solid Waste and recyclable materials shall be subject to inspections to ascertain compliance with this Ordinance, as well as rules , regulations, and policies promulgated hereunder.
- (FG) Burden of Proof. In the event any person's name or other identification is affixed or found on any illegally disposed of Solid Waste, such evidence shall constitute prima facie evidence and presumptive proof of a violation of this Ordinance. In such case, the burden of proof to establish a non-violation of this Ordinance shall be on such person.

(GH) Schedule of Penalties

			AT C
Section Violated	1 st Offense	2 nd Offense	3 and Subsequent Offenses
11(A) - Permits	Confiscation of permit	Confiscation of permit	Confiscation of permit
Abuses	and loss of privilege	and loss of privilege	and loss of privilege of
	of the involved	of the involved	the involved person(s)
	person(s) to use	person(s) to use	to use Transfer
	Transfer	Transfer	Station Convenience
	Station Convenience	Station Convenience	Centers for three years.
	Centers for one year.	Centers for one year.	If citation is issued and
	If citation is issued	If oligation is issued	person charged is found
	and person charged is	and person charged is	guilty, the criminal
	found guilty, the	found guilty, the	penalty shall be a fine of
	criminal penalty shall-	criminal penalty shall	up to \$300 and/or up to
	be a fine of up to \$300	be a fine of up to \$300	14 days imprisonment.
	and/or up to 2 days	and/or up to 7 days	
10.	împrisonment.	imprisonment.	
11(B) - Uncovered	Assessment of two (2)	Upon conviction after	Upon conviction after
Loads	additional Trip	issuance of a citation,	issuance of a citation,
	Punchess and/or	the criminal penalty	the criminal penalty
1	issuance of	shall be a fine of not	shall be a fine of not
	citation. If citation is	less than \$100.00.	less than \$100.00 nor
	issued and person		more than \$200.00
	charged is found		
	guilty, the criminal		
/	penalty shall be a fine		
	of not less than		
14(0) 111	\$50.00.		
11(C) - Unbagged	Written Advisory	Upon conviction after	Upon conviction after
Loads	warningWarning,	issuance of a citation,	issuance of a citation,
	assessment of one (1)	the criminal penalty	the criminal penalty
	additional Trip Punch,	shall be a fine of not	shall be a fine of not
	and/or issuance of	less than \$50.00.	less than \$100.00.

11(D) – Preparation Requirements	citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$25.00. Written Advisory warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100,00 nor more than \$100 for each yolation.
11(E) – Unauthorized Locations/After Hours Disposal	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$300.00 and/or up to 30 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be adding of not less than \$200.00 nor more than \$300.00 and or up to 60 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300.00 and/or up to 90 days imprisonment.
11(F) – Prohibited Materials	Confiscation of permit and loss of privilege to use Transfer StationConvenience Genters for one year. If chaffon is used and personicharged is found guilty, the priminal penalty shall be a fine of not more than \$100 and/or up to 90 days imprisonment. Possible referral to state or federal authorities for possible additional action under state or federal law.	Confiscation of permit and loss of privilege to use Transfer StationConvenience Centers for two years. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not more than \$200 for each violation and/or up to 90 days imprisonment. Referral to NMED for possible additional action.	Confiscation of permit and loss of privilege to use Transfer StationConvenience Centers for two years. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not more than \$300 and/or up to 90 days imprisonment. Referral to NMED for possible additional action.
11(G) – Hazardous	Confiscation of permit	Same as first offense.	Same as first offense.

Wastes	and permanent loss of privilege to use Transfer StationConvenience Centers. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$5,000 and/or 90 days imprisonment. Referral to NMED for possible additional action under. Stateunder State Law.		
11(H) – Misuse of Recycling Bins/Areas	Written Advisory warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be arifice of not less their \$50.00 nor more than \$100.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.
11(I) – Scavenging	Written Advisory warning or issuante of citation. If citation is issued and person charged is found guilty the criminal penalty shall be a fine of not less than \$50.00.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100 for each violation.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$250.00.
11(1) - Interference with Carefakers	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$300.00 and/or 30 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$200.00 nor more than \$300.00 and/or 30 days imprisonment. In addition, the defendant shall be banned from Transfer	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300.00 and/or 90 days imprisonment. In addition, the defendant shall be permanently banned from Transfer StationConvenience

11/// Paris 1		StationConvenience Centers for not less than one (1) year.	Centers.
11(K) Required Recycling	WrittenAdvisory warning or issuance of citation.—If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$25.00.	Upon-conviction after issuance of a citation, the eriminal penalty shall-be a fine of not less than \$50.00 nor more than \$100.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.
11(L)—Large Loads	Upon conviction after issuance of a citation, the criminal penalty shall-be a fine of not less than \$100.00 nor more than \$300.00 and/or up to 30 days imprisonment.	Upon-conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$200,00 nor more than \$300,00 and/or up to 60 days imprisorment.	Unou convention after issuance of a citation, the criminal penalty shall be a fine of not less than \$300.00 and/or up to 90 days imprisonment.
11(<u>MK</u>) - Illegal Dumping	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300 nor more than \$500 and/or 60 days imprisonment	Upon conviction after	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$500.00 nor more than \$1,000.00 and/or 90 days imprisonment.
11(NL) - Accumulation of C&D Debris	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$25.00 nor more than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$100.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.
11(P) - Improper Disposation Redyclable Materials	Advisory Warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$25.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.

A violation of this Ordinance for which penalties are not specified above shall be subject to criminal penalties of a fine of not less than \$50 nor more than \$300 and/or 30 days imprisonment.

Section 13(A). Service Fees for Use of Transfer-StationsConvenience Centers

Disposal of solid waste at Convenience Centers requires the payment of service fees. No service fee is required for the recycling of recyclable material. Solid waste fees are adopted herein and shall be updated and amended, as necessary, by ordinance, adopted by the Board of Commissioners. Disposal of residential and commercial solid waste is covered by the same service fees.

(A) Solid Waste Service Fees

- (1) Solid Waste Permits consist of a 12 Trip Punch Permit. 1 Trip Permit, and Bag Tags. Permits do not expire until fully used up. Permits must be obtained and purchased in advance of use at the Convenience Centers and are non-refundable. Solid waste permit fee changes, if any, take effect January Pof each year.
- (2) Bag Tags: Each Bag Tag is good for the disposal of up to 30 gallons of Solid Waste.
- (3) Santa Fe County residents and businesses residing outside of incorporated areas may purchase all types of solid waste permits.
- (4) Santa Fe Counteresidents residing within incorporated areas may only purchase a Trip Permit.
- (5) Low Income Discount: Convenience Center patrons with an Adjusted
 Gross Income Jess than \$24,000 on their most recent federal income
 tax return shall be entitled to a \$5 reduced fee for the 6 Trip Punch
 Permit and a \$10 reduced fee for the 12 Trip Punch Permit.

(B) Schedule of Solid Waste Permit Fees (by calendar year)

- (1) 12 Trip Punch Permit: 2015 \$65.00, 2016-\$75.00, 2017 -
 - \$85,00. 2018- \$110.00. 2019 \$ 140.00
- (2) 6 Trip Punch Permit: 2015 \$35.00 2016 \$45.00, 2017 \$55.00, 2018 \$70.00 2019 \$95.00
- (3) 1 Trip Permit: 2015 \$15.00. 2016 \$16.00, 2017 \$17.00. 2018 \$18.00. 2019 \$19.00

Bag Tags: 2015 - \$6.00 2016 - \$7.00, 2017 - \$8.00, 2018 - \$9.00, 2019 -

\$10.00 All users of Transfer Stations must pay a service fee. The types of service fees for Residential Solid Waste and Commercial Solid Waste are set forth below.

(A) Residential Solid-Waste Service Fees.

(1) Residential Solid Waste Permits consist of 24 Trip Permit, 1 Trip Permit, Recycling Admission Permits, and Bag Tags. Residential Solid Waste Permits may only be used to dispose of Residential Solid Waste and Recyclable Materials. Residential Solid Waste Permits are non-refundable and non-transferable. The unauthorized use of a Solid Waste Permit is a violation of this Ordinance, punishable in accordance with Section 12. Residential Solid Waste Permits shall be valid until all permitted trips have been utilized, are valid (Amended by Ordinance 2014 6) for thirty days after the year printed on the permit. (Amended by Ordinance 2012 7) only during the year printed on the permit. The costs of the permit shall not be pro-rated or discounted based on the month of purchase.

(2) Santa Fe County Residents residing outside of incorporated areas are allowed to purchase the number of 24 Trip Permits, 1 Trip Permits, Recycling Admission Cards, and Bag Tags specified in Section 13(A)(4) of this Ordinance.

(3) Santa Fe County Residents residing within incorporated areas glay purchase the following Permit: a 1 Trip Permit for \$15.00 specified in Section 13(Λ)(5) of this Ordinance.

(1) Schedule of Residential Solid Waste Permit Pees for Residents Outside of Incorporated Areas.

	2000			
Permit Type	Solid-Waste Accepted	Number of Trips	140	Number allotted per year; per dwelling
24 Trip-Permit	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all Tules, regulations, and poteles promulgated Rereunder, including the policies of individual Transfer Stations. Special Charges: Four (4) tires will be one (1) additional Trip.	24	FY 11 S65.00 FY 12 S75.00 FY 13 S85.00 FY 14 S95.00 FY 15 & Thereafter S105.00 Indefinitely suspend fee increases for residents outside of incorporate areas for twenty four trip permits for FY 13 and thereafter. (Amended by Ordinance 2012 7)	2

	Additional Trips will be charged in accordance with the schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and policies promulgated hereunder.			2
1-Trip-Permit	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules; regulations, and policies promulgated hereunder, including the policies of individual Transfer Stations. Special Charges: Foar(1) tires will be (1) additional Trip: Additional Trips will be charged in accordance with the schedules and definitions set forth elsewhere in this Ordinance	\$15.00	Unlimited	

	or in rules;			
	regulations, and	1	1	
	policies			
	promulgated			
- 32.8	hereunder.		8	
Recycling	Recyclable	Unlimited	Free	Unlimited
Admission	Materials	use for year		
Permits	Only. Recycling			- >
	Admission-Cards			CK
	will-not-be		i	N. M.
	punched for			
	recycling			
	deliveries			16/21
Bag-Tags	Each Bag Tag is	5-tag	\$5.00	Unfinited
	good-for-one-bag	minimum		
	of up to 30			0 X
	gallons of Solid			V
	Waste, subject to			
	the restrictions of		A 7	
	this Ordinance			
	and all-rules,	39.0	1 %	
	regulations, and	A.	V	
	policies	1		
	promulgated	0		
	hereunder,	1 0	1	
	including the	O A		
	policies of			
	individual	1 1		
	Transfer Stations.			
	Es.	P		War and the second

(5) Schedule of Solid Waste-Permit-Fees-for-Residents-Residing Inside-Incorporated Areas.

,	<i>b</i>			
	1		<u> </u>	-
1 Trip Permit	Solid-Waste and	<u> 1</u>	\$15.00	<u>Unlimited</u>
	all-sorted]
	Recyclable			
/	Materials, subject			
	to the restrictions			
	of this Ordinance			
	and all-rules.			
	regulations, and			
	policies			1
	promulgated			
	hereunder.	<u> </u>		

Permits Promulgated hereunder. Recycling Recyclable Unlimited Free Unlimited Unlimited Premits Only. Recycling Admission Permits will not		including the polices of individual Transfer-Stations. Special Charges: Four (4) tires will be (1) additional Trips will be charged in accordance with the schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and		
Admission Materials Permits Only. Recycling Admission Permits will not		hereunder.		
	Recycling Admission Permits	Materials Only. Recycling Admission	Free	Unlimited

(6) The Board of County Commissioners may authorize a low income and/or senior citizen citizen credit for Residential Solid Waste Permits. Should such credits be authorized by the Board of County Commissioners, the County Manager shall establish procedures by which County Residents may obtain such credits.

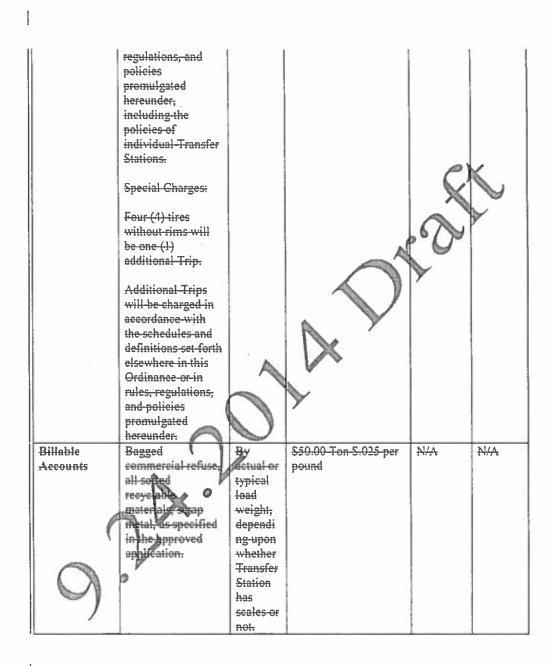
(B) Commercial Solid Waste Fees. Generators of Commercial Solid Waste, Commercial Solid Waste Contractors, and Commercial Solid Waste Haulers may not use Residential Refuse Permits to access Transfer Stations. Rather, they must buy Commercial Solid Waste Permits or establish Commercial Billable. Accounts in accordance with this Section.

(1) Definitions.

	- a) A Small C	ommercial S	alid Waste Con	erator-generates less than 5 ton
(10,000 pounds) of Solid Waste per	year.	one waste out	rator-Senerates less than 5 to
	b.) A Large C	ommercial S	olid Waste Gene	erator generates more than 5
tons (10,000-po	unds) of Solid Waste	e per year.		
(2) Small Commerci	al Solid Wast	e Generators. S	mall Commercial Solid Waste
Generators mus	t obtain a SCG Perm	it to access T	ransfer Stations	r
(3) Large Com	mercial Solid Waste	Generators. (Commercial Sol	id Waste Contractors, and
	lid Waste Haulers.			K.C
a.) Commercial	Billable Accounts.	Large Comm	ercial Solid Wa	ste Generatore, Commercial
Solid Waste Co	ntractors, and Comm	nercial Solid	Waste Haulers r	nust establish a bilimble accou
with Santa Fe C	ounty to access Trai	sfer Stations	Upon approval	of their application, which
shall be in a for	m authorized by and	contain-such	information as	is required by the County
Manager, a bille	able account shall be	established i	n-the-name of	e Larga Commercial Solid
Waste Generate	ers. Commercial Soli	d Waste Con	ractors and Co	mmercial Solid Waste Hauler
	b.) Payment	Terms The C	ounty will hill	aproyed Large Commercial
Solid Waste Ge	nerators Commercia	al Solid Wast	Contractors a	nd Commercial Solid Waste
Haulers on a my	anthly bacic Daymer	st is due with	n that (20) day	ys of the billing statement.
Amounts unnai	d after the due date of	hall been into	1 1 1 1 1 1 1 1 1	f four (4%) percent per annun
Langid belong	a that are and don't	man ocar mie	est ut toorate o	1 tour (4%) percent per annun
enpaid balance	s that are past due by	over 50 hay	s snausresult in	the customer's account being
suspended and	heir Transfer-Station	- privileges	voked until the	entire past due balance is paid
in-full.		0		
	e.) Prepayme	nt May Be R	equired. The Co	ounty Manager may, in his
discretion, requ	ire a Commercial Bi	lidble Accour	t holder to prep	ay on their accounts, such
prepayment am	ounts to be determin	ed based upo	n the credit risk	of the account holder and the
estimated-month	hly charges.	1		
		eicht Comr	nercial Rillable	Account holders shall be bille
at the actual we	ight of their loads for	Donde deliv	ared to Transfer	Stations with scales, or at the
	l Weight, for loads			
vemere a rypier	ir regin, topiouds	aciivered-to-i	ransier-stations	Williout Soules
100				
(4)	Schedule of Comme	reial Solid W	aste l·ees.	
,	A			
Commercial	Solid Waste	Number	Fee	Number
Service Type	Accepted	of Trips	A.	allotted
K A	9	1 2		Der Venr

Commercial Service Type	Solid Waste Accepted	Number of Trips	Fee	Number allotted per year	
SCG Permit 10 Trip	All-Solid Waste and all-sorted Recyclable Materials, subject to the restrictions of this Ordinance and all-rules, regulations, and	10	FY 11 \$110.00 FY 12 \$120.00 FY 13 \$130.00 FY 14 \$140.00 FY 15 & Thereafter \$150.00	7	

Billable Accounts	policies promulgated hereunder, including the policies of individual Transfer Stations. Special Charges: Four (1) tires without rims will be one (1) additional Trips will be charged in accordance with the schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and policies promulgated hereunder. Bagged commercial refuse, all sorted recyclable materials sorap metal as specified in the approved	By atual or typical load weight, dependi ng upon	\$50.00 Ton \$.025 per pound	N/A
9	application.	whether Transfer Station has scales or not.		
5-Trip	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules.	5	FY 11 \$70.00 FY 12 \$80.00 FY 13 \$90.00 FY 14 \$100.00 FY 15 & Thereafter \$110.00	3



Section 13(B), Service Fees for Mandatory service-Service areas 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 free 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:
 - Premises are unoccupied for a period of 60 consecutive days or more; 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 feturn 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 definquent 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 aggruing 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.
- Legal remedy. The County shall have a right to proceed for collection of such unpaid charges in any manner allowed by law.

Section 14. Injunctive Relief

Where any act in violation of this Ordinance threatens the public health, welfare, or safety, Santa Fe County may seek from a court of competent jurisdiction a restraining order or injunction requiring the abatement of such violation. Such injunctive relief shall be in addition to and not in lieu of any other remedy or penalty authorized in this Ordinance or under law.

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Section 15. Recovery of Damages

A person violating this Ordinance is responsible for all damage caused to Transfer Stations-Convenience Centers or Santa Fe County equipment as a result on the violation. Santa Fe County may recover such damages from the violator in a lawsuit brought in a court of competent jurisdiction or as court ordered restitution and such recovery is in addition to and not in lieu of and any other remedy or penalty authorized in the Ordinance or under law.

Section 16. Effective Date

This Ordinance shall be<u>come</u> effective on January 1, 2015. 20 days after it is duly recorded by the Santa Fe County Clerk.

Section 17. Repeal of Santa Fe County Ordinance Nos. 2010-5, 2012-7, 2013-3, and 2014-62009-13-and-2005-5

This Ordinance repeals and replaces Ordinance Nos. 2010-5, 2010-7, 2013-3, and 2014-62009-13 and 2005.5.

PASSED, APPROVED, AND ENACTED this _____ day of ______, 2014, by the Board of County Commissioners of Santa Fe County.

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Daniel W. Mayfield, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

Approved as to form:

Gregory S. Shaffer, County Attorney

PROPOSED CITY ANNEXATIONS PHASE II

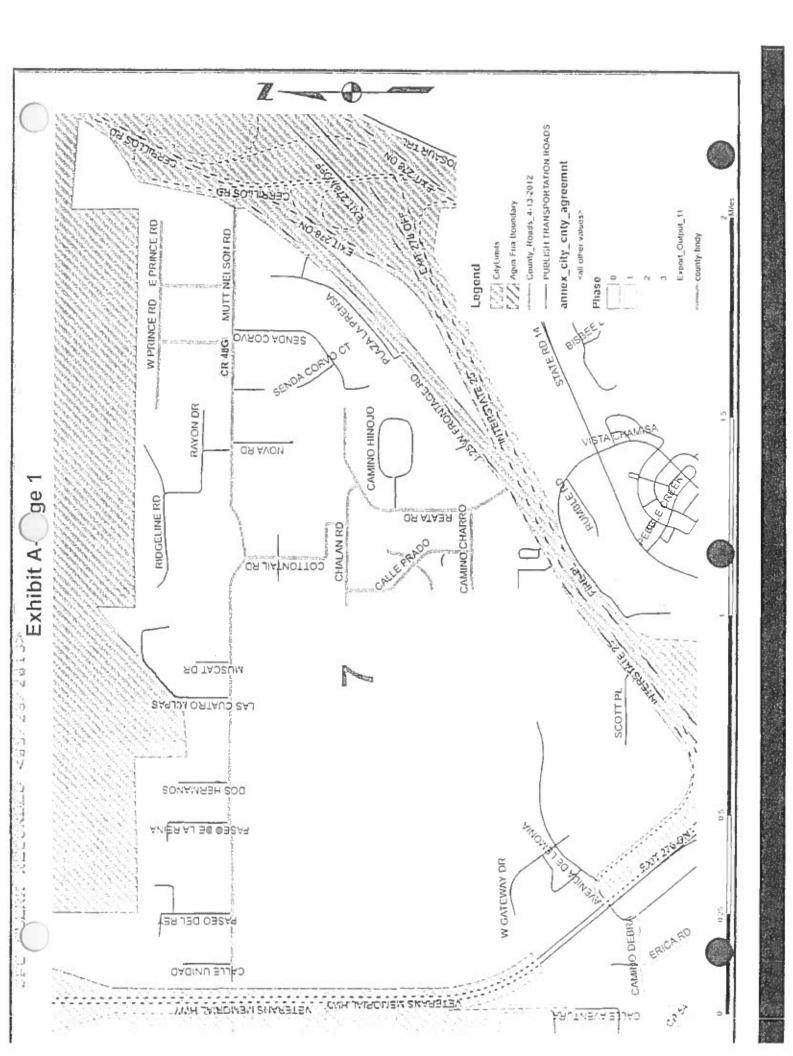
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BOUTE NAME	ROUTE
ROUTE NAME	NUMBER
Country Club Estates	
Fairly Road	
Calle de Vencejo	
Calle Zanate	
Calle Chupa Rosa	
Calle Tangara	
Jimenez Subdivision	
Morning Drive	
Morning Street	
Morning Lane	
Town and Country Subdivision	
Camino Jalisco	
Calle VeraCruz	
Durango Drive	
Dai arrigo Drivo	
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	618
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 Continuted	
Academy Rd	
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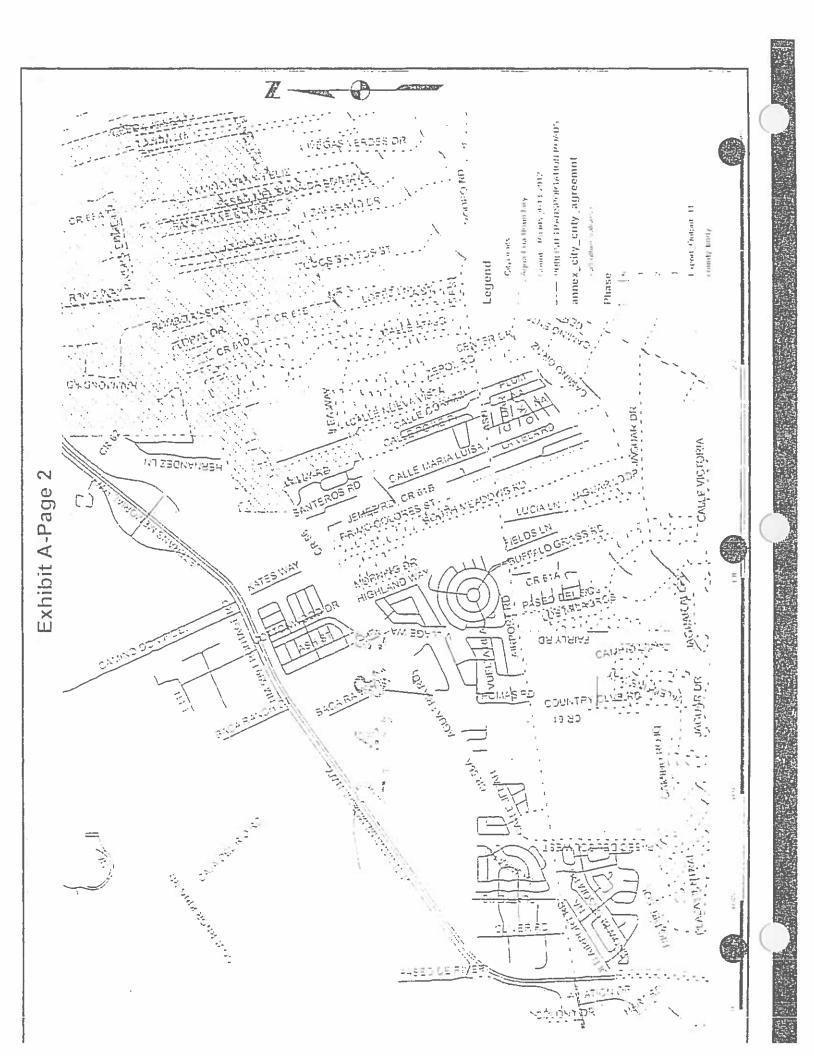
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1	
ROUTE NAME	ROUTE NUMBER
Alamo Rd	
Arapaho Rd	
Arrowhead Ct	
Arrowhead Ranch Rd	
Ash	
Ash St	
Aspen Lp	
Avenger Way	
Avenida Christina	
Avenida De Lemonia	
Avenida Juliana	
Avenida Sonrisa	
Baca Ln	
Baca Ranch Ln	
Barton Rd	<u> </u>
Beech	
Bella 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	<u> </u>
Calle Prado	
Calle Tangara	
Calle Unidad	
Calle Vencejo	
Calle Zanate	
Caminito Quintana	

ROUTE NAME	ROUTE NUMBER
Camino Cementerio	
Camino Charro	A).
Camino De Vaca	
Camino De Viento	53
Camino Hinojo	
Camino Juliana	
Camino Mio	
Camino Tierra Real	
Camino Vista Verde	
Cedar	
Charley Bendley Dr	
Cheyenne Cir	
Cole Ct	
Commerce PI	
Constellation Dr	
Coriander Rd Corte Ct	
	1 m
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	3
E Gateway Dr	1
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	\ <u>\</u>
Jaguar Lp	
Jaramillo Ln	-
Jardin Ln	
Jon Kim Ln	
Kachina Lp Kates Way	
Indies May	

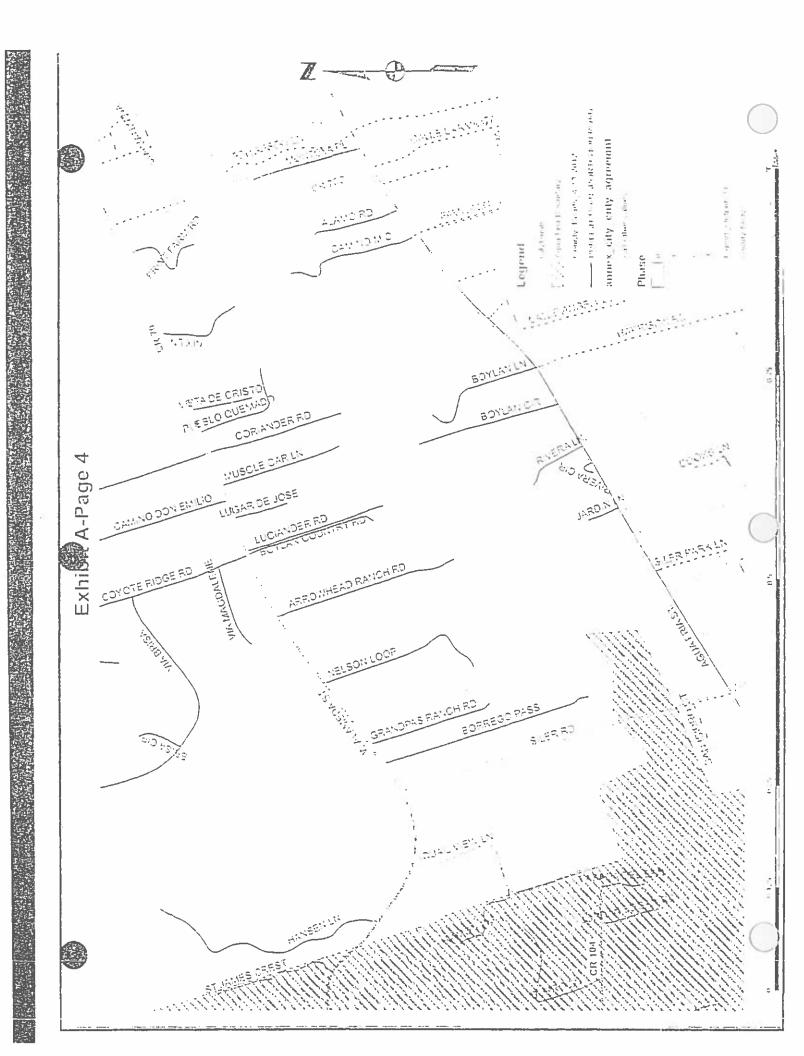
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1	
	ROUTE
ROUTE NAME	NUMBER
WOW!	
KSK Ln	
La Carrera	
La Jara Rd	
La Vela Rd	
Las Cuatro milpas	
Laurens Ln	
Locust St	
Lucia Ln Luciander Rd	
Lugar De Jose	
Luna De Miel	
Luna Y Sol	
Madison Rd	
Mallard Way	
Maple	
Maple St	
Mora Ln	
Muscat Dr	
Mucle 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 La Reina Paseo De Margarita	
Paseo Del Rey	
Paseo Del Ney	
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	7
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 PI	1
Senda Corvo	1
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	1
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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THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2010-<u>5</u>

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NOS. 2009-13 AND 2005-5 AND INCREASING SOLID WASTE PERMIT FEES

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

Section 1. Short Title

This Ordinance may be cited as the "Solid Waste Management Ordinance."

Section 2. Purpose

The purpose of this Ordinance is to:

- establish a system of storage, collection, and disposal of all refuse generated in the County;
- establish a schedule of fees for the use of the storage, collection, and disposal system as well as penalties for the violation of this Ordinance; and
- to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its inhabitants.

Section 3. Authority

This Ordinance is enacted pursuant to the authority granted to counties in (i): NMSA 1978, Section 4-37-1 to, among other things, provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County or its inhabitants; and (ii) NMSA 1978, Sections 4-56-1 through 4-56-3 to establish, maintain, manage, and supervise a system of storage, collection and disposal of refuse.

Section 4. Definitions

The following words shall have the following meanings in this Ordinance, unless the context clearly indicates or requires a different meaning.

The words "shall" or "must" are mandatory and not discretionary; the words "may" or "should" are permissive.

"Administrator" means the Santa Fe County Manager or such other office or employee of Santa Fe County who he designates to be responsible for the management of Santa Fe County's solid waste system and programs.

- "Asbestos Waste" means the friable solid waste that contains more than one percent asbestos by weight and that can, when dry, be crumbled, pulverized or reduced to powder by hand pressure.
- "Ashes" means the solid residue from the burning of wood, coal, coke or other combustible material.
- "Authorized Commercial Solid Waste Hauler" means a Commercial Solid Waste Hauler that has an established commercial billable account with Santa Fe County, which has not been suspended for nonpayment of service fees or for violation of this Ordinance.
- "Authorized Reuse Area" means a posted area provided at a Transfer Station in which persons may leave unwanted reusable materials.
- "Bagged Wastes" means garbage, refuse, rubbish, solid wastes, pet wastes that is placed in a flexible container (bag) with a single opening that is closed and tied in a manner so as to prevent spillage or escape of the materials during transport and prior to delivery to a transfer station.
- "Board of County Commissioners" means the Board of County Commissioners of the County of Santa Fe.
 - "Brush and Tree Waste". See Land Clearing Debris.
- "Caja-del-Rio Landfill" means the disposal site permitted by the New Mexico Environment Department and operated by the Solid Waste Management Agency, an entity jointly created by the governments of the City of Santa Fe and the County of Santa Fe.
 - "Caretaker" means a solid waste facility attendant.
- "Clean Fill" means broken concrete and asphalt pavement pieces not larger than 18"x12"x 6", brick, stone, rock, and uncontaminated soil. Clean Fill must be free of other Solid Wastes or Hazardous Waste, and the use of this material must not create a public nuisance or adversely affect the environment in which it is placed.
- "Clean Woodwaste" means pallets, unpainted and untreaded scrap wood, and carpenter trimmings that do not exceed 6 feet in length or 2.5 -feet in width. Clean Woodwaste does not include construction and demolition wood with attached wallboard, large amounts of nails, paint, metal bracing, or Brush and Tree waste.
- "Commercial Solid Waste" means all types of solid waste generated by hotels, stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, sites containing four or more Dwelling Units, churches, schools, recognized educational institutions or other non-Residential Solid Waste generators.

"Commercial Solid Waste Contractor" means persons possessing a valid Santa Fe County business license or permit retained and paid to perform services that generates Solid Waste and/or that involves the processing, removal and transport of Solid Wastes, including, but not limited to, Construction and Demolition Debris and Land Clearing Debris, from dwelling units, commercial establishments, pueblos, or industries, but for whom waste collection and transportation is auxiliary to the principal services they provide (e.g., remodeling contractors, "handymen", roofers, construction firms, carpet installers, gardeners, tree services, and land-clearing contractors). The term does not include an individual transporting solid waste generated on or from his own, personal residential premises for the purpose of disposing of it in a NMED approved solid waste facility.

"Commercial Solid Waste Hauler" means any person possessing a valid Santa Fe County business license or permit whose primary service is to collect solid wastes or recyclable materials from single or multiple dwellings, commercial or business locations, industries or other generators of solid wastes and transport/haul them for the purpose of disposal or recycling.

"Commercial Solid Waste Fees" means fees charged Commercial Solid Waste generators, Commercial Solid Waste Contractors, or Authorized Commercial Solid Waste Haulers in order to use Transfer Stations.

"Commercial Vehicle" means any Class 3 vehicle that exceeds a one-ton vehicle rating; weighs more than 8,000 pounds when empty, and/or has sideboards higher than three (3) feet above the floor of the box or trailer bed. Commercial Vehicle also includes up to any Class 3 one-ton rated or larger vehicle towing (i) a two (2) axle trailer longer than 16 feet or with sideboards three (3) feet or higher measured from the trailer bed; (ii) a three (3) axle trailer; or (iii) any horse trailer that can haul more than two (2) horses. Commercial Vehicle also includes any Class 4 or higher vehicle. Class vehicle references used herein are as defined by the Federal Highway Administration.

"Composting" means the biological decomposition of green waste and other organic solid waste under controlled conditions to create a soil amendment product for beneficial use as a source of nutrients, organic matter, erosion control, or other essential constituent for a soil or plant.

"Construction and Demolition Debris" or "C&D Debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of structures, utilities, and roads. C & D debris is generally considered water insoluble and nonhazardous, and includes, but is not limited to: bricks, concrete, and other masonry materials, asphalt, roofing materials, steel, glass, pipe, gypsum wallboard and lumber. Construction and Demolition Debris does not include asbestos, garbage, corrugated container board, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent lights, furniture, appliances, tires, drums, containers greater than ten gallons in size, any containers having more than one inch of residue remaining on the bottom, fuel tanks, brush and tree remains or other vegetative material from land clearing, uncontaminated soil, rocks, or

liquids, including, but not limited to, waste paints, solvents, sealers, adhesives or potentially hazardous materials.

"Convenience Center". See "Transfer Station".

"Corrugated Cardboard" or "Old Corrugated Cardboard" or "OCC" means woodpulp based Kraft paper material that has two, usually smooth, exterior layers and one wavy corrugated interior core, which is used to make cardboard boxes, shipping containers, and packing liners. Corrugated Cardboard always has a corrugated middle layer and may have shiny printing on the outside. OCC does not include wax-coated cardboard, boxboard, cardboard with permanently attached packing materials, cardboard contaminated with food or oils, or single layer boxboard (e.g., cereal, shoe, gift, food boxes, beer cartons).

"County" means the area within the exterior boundaries of the County of Santa Fe, New Mexico, including privately owned lands or lands owned by the United States or the State of New Mexico.

"County Manager" means the County Manager of the County of Santa Fe.

"County Resident" means any person residing within the County as defined herein.

"Dispose" or "Disposal" means the abandonment, discharge, deposit, placement, injection, dumping, spilling, or leaking of any unwanted or unusable solid waste into or on any land or water.

"Dwelling" or "Dwelling Unit" means a structure, including, but not limited to, a mobile home, or portion thereof that (i) has bathroom and kitchen facilities permanently installed and (ii) is used or intended to be used by a person or persons for residential purposes. In the case of an apartment complex, each Dwelling within the complex that is or can be separately leased for residential purposes constitutes a separate Dwelling Unit.

"Electronic Waste" or "E-Waste" means relatively expensive and essentially durable electronic products used for data processing, telecommunications or entertainment by private households and businesses, including, but not limited to, computers and related equipment and peripherals, monitors, plotters, scanners, copiers, fax machines, entertainment electronics, VCRs, stereos, CD players, mobile phones, personal digital assistants, and game consoles. Electronic Waste does not include televisions, electric fixtures, small or large household appliances (e.g., washers and dryers), coffeemakers, microwaves, toasters, or electric and electronic tools.

"Fee" or "Fees" means residential fees and "Commercial Solid Waste Fees" assessed for use of Transfer Stations, in accordance with the fee schedules specified herein.

"Fiscal Year" or "FY" means the County's operating and reporting year which begins on July 1^{st} and ends on June 30^{th} of the following calendar year.

"Garbage" means putrescible solid waste resulting from the preparation, cooking and consumption of food and from the handling, storage and sale of food products and the carcasses of animals, including, but not limited to, animal and vegetable wastes, swill, carrion, and slops. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served.

"Generator" means any person whose act or process produces a solid waste or whose act first causes solid waste to be subject to regulation.

"Green Waste" means yard waste, lawn clippings, leaves and tree trimmings.

"Hazardous Waste" means (i) any solid, semi-solid or liquid waste resulting from industrial, commercial, mining or agricultural operations or from community activities or other discarded material that by reason of its quality, concentration, composition or physical or chemical characteristics may do any of the following: cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed; (ii) any solid. semisolid or liquid waste so designated by the rules and regulations promulgated pursuant to this ordinance; (iii) any solid, semi-solid or liquid waste that meets any of the Resource Conservation Recovery Act (RCRA) hazardous waste criteria (i.e., ignitable, corrosive, reactive or toxic) or specifically listed in 40 CFR 261 and that is not excluded from regulation as a hazardous waste in 40 CFR 261.4 (b), (iv) any solid, semi-solid or liquid waste that is identified as "Hazardous Waste" in the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., (v) any solid, semi-solid or liquid waste that meets the definition of or is identified as a "Hazardous Substance" in the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. Section 9601 et seq., as each such law and regulation may be amended from time to time. Hazardous Waste also means any solid, semisolid, or liquid waste that, because of its properties, is considered Hazardous Waste and is required to be disposed of at an appropriately permitted Hazardous Waste facility under any analogous or succeeding federal, state, or local law, rule or regulation or by any governmental agency or unit having appropriate jurisdiction.

"Hearing Examiner" means the County Manager or his/her designee.

"Hot Waste" means any waste that is hot to the touch, on fire, smoldering or that may ignite once placed with other solid wastes at a Solid Waste Facility. Also see the definition of "Ashes".

"Household Waste" means any solid waste, garbage derived and discarded from Dwelling Units, hotels, motels, public and private campgrounds, picnic grounds, and day-use recreation areas.

"Household Hazardous Waste" or ("HHW") means a wide range of household products that have the characteristics of Hazardous Waste including but not limited to, pesticides and herbicides, oil based paints, liquid latex paints, stains and varnishes, automobile fluids (e.g., antifreeze, motor oil, transmission, steering and brake fluids, gasoline), batteries (automotive and

household), pool chemicals, hobby chemicals, darkroom chemicals. Federal law specifically exempts Household Hazardous Waste from regulation as Hazardous Waste because of the point of generation. Because of the hazards posed by HHW, it should not be placed with other Solid Waste for disposal. See "Special Waste".

"Household Medical Waste" means Household Waste that, but for its point of generation, would be a regulated Medical Waste. (e.g., used sharps, including hypodermic needles, bloody/soiled bandages and dressings, disposable sheets and clothing, medical gloves, dialysis machine filters, etc.).

"Illegal Dumping" means disposal of any solid waste, recyclable material, at any location other than at an approved Solid Waste Facility.

"Industrial Solid Waste" means solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of Resource Conservation and Recovery Act (RCRA). Such waste may include, but is not limited to, waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals, plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Infectious Waste" or "Regulated Medical Waste" means any solid waste that is generated in the diagnosis, treatment (e.g., provision of medical or veterinary services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. The term does not include any "Hazardous Waste." Includes biological products (e.g. vaccines, cultures), blood products, body fluids, infectious wastes, or materials soiled with these products from hospitals, clinics, nursing homes, health maintenance organizations, doctor and dentist offices, blood plasma centers, laboratories, veterinary practices or as specified in 20.9 NMAC. Includes a limited class of substances that carry a probable risk of transmitting disease to humans, including but not limited to:

- 1. Microbiological laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures:
- 2. Pathological wastes, including human or animal tissues, organs and body parts removed during surgery, autopsy or biopsy;
- 3. Disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases;
- 4. Human blood and blood products, including waste blood, blood serum, and plasma;

- 5. Used sharps, including used hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and
- 6. Contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the "in vivo" testing of pharmaceuticals.
- "Kraft Paper" and "Brown Paper Bags" means woodpulp based unbleached or bleached papers of high strength used for packaging, including brown paper bags.
- "Land Clearing Debris" means vegetative matter resulting from activities such as land clearing and grubbing, utility line maintenance, seasonal, storm, fire or disease related cleanup of trees, and brush, from residential or commercial property or vacant land that do not exceed 24 inches in diameter and 6 feet in length, and any and the wood chips generated from such vegetative matter. Large amounts of tumbleweeds shall be considered "Land Clearing Debris" as used herein. "Large amount" means the equivalent of 10 bags of tumbleweeds or greater. Land Clearing Debris does not include stumps, clean fill, or C&D Debris.
- "Large Load" means (i) a load of Solid Waste weighing more than 4,200 pounds net weight or having a volume greater than 21.33 cubic yards; (ii) a load comprised exclusively of Land Clearing Debris weighing more than 5,400 pounds net weight or having a volume greater than 37.32 cubic yards; (iii) a vehicle towing a two-axle trailer longer than 16 feet; or (iv) any Commercial vehicle whether empty or with any size load.
- "Litter" means solid waste or debris along public or private roadways, rights-of-way, trails, or paths that was (i) intentionally or unintentionally dropped or deposited by persons or (ii) fell from uncovered loads or from vehicles transporting Solid Wastes, Land Clearing Debris, Construction and Demolition Debris or other materials.
 - "Littering" means the act of causing Litter.
- "Mixed Papers" means newspapers as delivered, magazines, glossy catalogs, glossy paper, office paper, and junk mail or any combination of these materials.
- "Municipality" means any incorporated city, town or village within the County, whether incorporated under general act, special act or special charter, and incorporated counties.
 - "NMED" means the New Mexico Environment Department.
- "Non-County Resident" means any person who is not a County resident as defined herein
- "Non transferable" means cannot be used by anyone other than the person (s) to which a transfer stations permit is issued; or as specified herein under Prohibited Acts.
 - "Open Burning" means the combustion of solid waste without:

- 1. control of combustion air to maintain adequate temperature for efficient combustion;
- 2. containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; or
- 3. control of the emission of the combustion products, such that combustion products are released directly or indirectly into the open air.

"Operator" means the person (s) responsible for the overall operation of all or any portion of a Solid Waste Facility.

"Owner" means the owner of real property, whether or not the owner resides on the property.

"Permit" means a document, certificate, sticker and/or permit card issued by Santa Fe County authorizing a person to use county operated transfer stations and recycling drop-off centers.

"Person" means a natural person or a firm, partnership, association, joint venture, corporation, estate, trust, company, or any other legal entity of any kind or their representative(s), agent(s), or assign(s).

"Premises" means an improved or unimproved parcel of land together with all appurtenances and structures thereon, whether intended for residential or commercial use, located within the County and outside the corporate limits of an incorporated area.

"Prohibited Load" means a load (i) that includes Prohibited Material as defined herein; (ii) from sources not authorized to use County transfer stations or (iii) from unauthorized commercial solid waste contractors or (iv) that contains any other prescribed items as determined by Santa Fe County.

"Prohibited Materials" means solid wastes that (i) are considered Special Waste under New Mexico Solid Waste Management Regulations20.9 NMAC; (ii) can cause operational problems, damage to equipment, pose health risks to workers, and/or can have an adverse impact on the environment, (iii) or any other solid waste that that Santa Fe County determines is unacceptable for disposal, recycling or reuse at Transfer Stations, as Santa Fe County may specify from time to time in written policies or on signs posted at the transfer stations. Prohibited Materials include, but are not limited to, the following types of solid waste:

Ammunition, or any items that have the ability to explode or cause injury when run over by heavy equipment and/or when exposed to an ignition source.

Animal wastes -horse, cattle and other large animal manures, including animal bedding mixed with large animal wastes.

Asbestos Wastes.

Automobiles and large automobile parts, automobile or equipment lead-acid batteries, automobile parts containing or that contained fluids or liquids (e.g., gasoline tanks). Does not include tire rims that have been removed from tires.

Dead Animals: whole dead animals must be delivered to Caja-del-Rio landfill. **Explosives**, including fireworks or other items that have the ability to explode or ignite when exposed to an ignition source.

Hazardous Waste.

Hot Waste and Ashes.

Industrial Wastes.

Infectious Waste -Regulated Medical Waste.

Intact Bulk Containers

Large pieces and large loads of concrete, roofing materials, asphalt or rock. Such items must be delivered to Caja-del-Rio landfill.

Lead Acid Batteries

Liquids, including sewage, septage, and large quantities of frying fats.

Petroleum or Chemically Contaminated Soils.

Pressurized Cylinders.

Radioactive Waste.

Sewage, Septage and Holding Tank Pumpings.

Sludges.

Any other Item as specified by Federal, State or local regulation.

"Public Place" means any land owned by the community (or open to common use), such as streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, spaces, grounds and buildings.

"Putrescible Waste" means solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for disease vectors and/or causing offensive odors. Includes but is not limited to food, spoiled meat, pet wastes, and soiled diapers. Wood is not considered to be putrescible.

"Recognized Educational Institution" means any governmental or private educational institution located in the County.

"Recover" means any act or process by which recyclables or reusables are separated from the solid waste stream for reuse or remanufacture.

"Recyclable Material" means material that would otherwise be solid waste but that can be collected, separated and/or processed, treated, reclaimed, and placed back in use in the form of raw materials, or that can beneficially be used or reused. Includes:

- Corrugated cardboard.
- Kraft paper and brown paper bags.
- Mixed Papers.
- Mixed containers, steel food containers, aluminum cans and used foil balls, and plastic bottles with necks marked with a 1 or 2 on the bottom.
- Glass food and beverage containers, all colors.
- Scrap metal.
- Used motor oil.

Other containers, materials and papers not listed herein that Santa Fe County may
determine to be recyclable in the future, or for which economically viable markets
currently or in the future may exist.

"Recycling" means any process by which Recyclable Materials are collected, separated or processed and reused or returned to use in the form of raw materials or products.

"Refuse" means anything putrescible or nonputrescible that is discarded or rejected as useless or worthless. See Solid Waste.

"Regulated Appliances" means any device which contains and uses a Class I or Class II substance as a refrigerant and which is used for household or commercial purposes as defined in 42 U.S.C. 7671a regulations promulgated thereunder; including all air conditioners, refrigerators, chillers, or freezers, except such devices that are designed and used exclusively for military purposes, or as specified in U.S. EPA Clean Air Act (CAA) Section 608, and 40 CFR, Subpart F. The Federal Clean Air Act prohibits the venting or release of Freon, CFC and hydrochlorofluorocarbon (HCFC) refrigerant gases, from discarded appliances when they are disposed or recycled.

"Residential Solid Waste" means solid waste and recyclable material generated from a site that contains three or less Dwelling Units.

"Residential Vehicle" means motor vehicles in the following classes as defined by the Federal Highway Administration: (i) Class I Motorcycles; (ii) Class 2-Passenger Cars and (iii) Class 3 Other Two-Axle, Four Tire: Single Unit Vehicles provided, however, that a Class 3 motor vehicle that exceeds a one (1) ton rating is not a residential vehicle. A Residential Vehicle may, without losing its Residential Vehicle classification, tow (i) a single axel trailer with three feet side-boards measured from the trailer bed; (ii) a two (2)-axle trailer that is a maximum of 16 feet long and that has a maximum of, three (3) foot sideboards measured from the trailer bed; (iii) a two-horse trailer. Does not include commercial vehicle as defined herein.

"Responsible Party" means the legal owner(s) of any premises located within the County, whether vacant, improved, or unimproved, on which Solid Waste is generated or found.

"Renter" or "Tenant" means a County Resident or other person who does not own the land, dwelling or structure in which they reside or conduct business, where such land, dwelling, or structure is located within the County.

"Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

"Reuse Area" means a designated, marked area at a Transfer Station for the placement of unwanted materials that can reasonably be expected that another person could take and Reuse. Removing reusable items from the Reuse Area is authorized and is not Scavenging. Not all stations may have Reuse Areas.

"Rubbish". See Solid Waste.

"Scavenging" means the unauthorized searching through and/or taking of anything from discarded solid wastes or Recyclable Materials located within any area of a transfer station; provided, however, that the taking of items from a Reuse Area is authorized and does not constitute Scavenging.

"Scrap Tire" means any tire that is no longer suitable for its originally intended purpose because of wear, damage or defect. A scrap tire does not include a tire with a rim.

"Scrap Metal" means used or unwanted metal appliances (e.g., stoves, dryers, dishwashers, washing machines, water heaters), pieces or sheets of metal, metal toys, poles, bicycle frames, strapping wires, clean metal drums with bottoms removed, metal doors, or scrap aluminum. Scrap Metal does not include plastic appliances, microwaves, televisions, automobiles and automobile parts, E-Waste, electrical wire, or Regulated Appliances.

"Secured Load" or "Covered Load" means any load covered in such a manner as to prevent (i) the covering or the load from becoming loose or detached; (ii) the creation of Litter; and (iii) the load from dropping, shifting, leaking or otherwise escaping.

"Septage" means the contents of a septic tank, cesspool or other residue from an individual or public owned sewage treatment facility.

"Sludge" means any solid, semisolid, or liquid waste resulting from the treatment of wastewaters, excluding treated liquid effluent generated from publicly or privately owned and operated municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control device.

"Solid Waste" means all putrescible and non-putrescible materials generated or originating from residential, commercial, industrial, mining, or community activities or from agricultural operations that are discarded or rejected, whether (i) as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, (ii) as having served their intended use, or (iii) for any other reason. Materials that are stored and managed to facilitate their disposal, or are discarded from one use but are accumulated for reuse elsewhere unless specifically excluded by Federal or State regulation or variance. Solid Waste includes, but is not limited to, garbage, waste food, trash, rubbish, refuse, construction and demolition debris, and other solid or semi-solid materials. Solid Waste does not include untreated domestic sewage or radioactive waste.

"Solid Waste Facility" means a facility that is permitted or registered by the NMED and appropriately zoned and approved by the Board of County Commissioners to accept solid waste from the public. Solid Waste Facilities include convenience centers, transfer stations and landfills.

"Source Separation" means the segregation of recyclables and other recoverable materials from non-recyclable solid waste at the point of generation for separate placement in

bins or receptacles at a Solid Waste Facility and/or for donations, sale or other disposition. Source Separation includes the separation of recyclables from each other if required by Santa Fe County policy. The residue remaining after recyclables are removed from the waste stream is not considered source-separated material.

"Special Wastes" means solid wastes that (i) require special handling, preparation, and/or transportation before disposal to ensure proper operation of transfer station facilities and/or (ii) have specific regulatory requirements to ensure protection of the environment and the public health, welfare and safety. Special Wastes include, but are not limited to, the following:

- 1. Ashes;
- Construction and Demolition Debris;
- 3. Clean Fill;
- 4. Clean Woodwaste;
- 5. Electronic Waste (E-Waste);
- 6. Household Hazardous Waste (HHW);
- 7. Household Medical Waste;
- 8. Land Clearing Debris;
- 9. Motor Oil:
- 10. Pet Wastes;
- 11. Regulated Appliances;
- 12. Tires:
- 13. Scrap Metal;
- 14. Any other material that Santa Fe County may designate from time-to-time in written policies or on signs posted at Solid Waste Facilities.

"Storage" means the accumulation of Solid Waste for the purpose of processing or disposal.

"Transfer" means the handling and storage of solid waste for reshipment, resale, or disposal, or for waste reduction or resource conservation.

"Transfer Station" means a NMED registered or permitted Solid Waste Facility that collects and consolidates Solid Waste or Recyclable Materials in large containers or vehicles for transfer to another Solid Waste facility and includes, but is not limited to, a "convenience center" that accepts Solid Waste from Residential Solid Waste or Commercial Waste generators.

"Tribal Resident" means any person residing on federal trust lands within the interior boundaries of Santa Fe County and within the boundaries of a federally recognized Indian pueblo or tribe.

"Trip" means the unit by which a Permit holder's use of Transfer Stations to discard Solid Waste and Recyclable Materials is measured and charged against their Permit. A single journey to a Transfer Station is not necessarily a single Trip. Rather, the number of Trips a single journey to a Transfer Station equals depends upon the amount and type of Solid Waste being

discarded. The following single journeys to a Transfer Station equals the number of Trips indicated:

(A) Trip (one (1) punch of Permit) for All Solid Waste Loads Except Loads Comprised Exclusively of Land Clearing Debris and/or Clean Woodwaste.

- (1) At Transfer Stations with scales, one (1) trip is equal to a Residential Vehicle, with or without a trailer, discarding a maximum net weight of 1,400 pounds of Solid Waste. An additional Trip will be charged for each successive increment of 1,400 pounds of Solid Waste discarded up to a maximum of 4,200 pounds of Solid Waste (i.e., 1,401 pounds up to a maximum of 2,800 pounds of Solid Waste equals two (2) Trips and 2,801 pounds up to a maximum of 4,200 pounds of Solid Waste equals three (3) Trips).
- (2) At transfer stations without scales, one (1) trip is equal to a maximum of 7.11 cubic yards of Solid Waste. An additional Trip will be charged for each successive increment of 7.11 cubic yards of Solid Waste discarded up to a maximum of 21.33 cubic yards of Solid Waste (i.e., 7.12 cubic yards up to a maximum of 14.22 cubic yards equals two (2) Trips and 14.23 cubic yards up to a maximum of 21.33 cubic yards equals three (3) Trips).

(B) Trip (one (1) punch of Permit) for Loads Comprised Exclusively of Land Clearing Debris and/or Clean Woodwaste.

The Trip rates set forth in this Section B apply only to loads comprised exclusively of Land Clearing Debris and/or CleanWoodwaste. If such material is included with other Solid Waste, the Trip rates set forth above in Section A shall apply.

- (1) At transfer stations with a scale, one (1) Trip is equal to a load of Land Clearing Debris weighing not more than 1,800 pounds net weight. An additional Trip will be charged for each successive increment of 1,800 pounds of Land Clearing Debris up to a maximum of 5,400 pounds of Land Clearing Debris (i.e., 1,801 pounds up to a maximum of 3,600 pounds of Land Clearing Debris equals two (2) Trips and 3,601 pounds up to a maximum of 5,400 pounds of Land Clearing Debris equals three (3) Trips).
- (2) At transfer stations without scales, one (1) trip is equal to a maximum of 12.44 cubic yards of Land Clearing Debris. An additional Trip will be charged for each successive increment of 12.44 cubic yards of Land Clearing Debris up to a maximum of37.32 Cubic Yards of Land Clearing Debris (i.e., 12.45 cubic yards up to a maximum of24.88 cubic yards of Land Clearing Debris equals two (2) Trips and 24.89 cubic yards up to a maximum of 37.32 cubic yards of Land Clearing Debris equals three (3) Trips).

"Typical Weight" means the billable weight for any Commercial Solid Waste Hauler, Commercial Solid Waste Contractor, or Commercial Solid Waste Generator (individually, "Commercial Entity") that is required to establish a billable commercial account and that delivers Solid Waste or Special Wastes to any County transfer station that does not have a scale. A Typical Weight must be established for each vehicle used by the Commercial Entity. A vehicle's Typical Weight shall be determined by weighing the vehicle, fully loaded with Solid Waste or

Special Wastes, a minimum of three times at the Eldorado transfer station, on a minimum of three different occasions, to determine the vehicle's Net Weight. The sum of the Net Weight from each weighing shall be divided by the number of weighings to determine the vehicle's "Typical Weight". Vehicles shall be re-weighed at least once per year thereafter, and, if appropriate, adjustments shall be made to the Typical Weight based upon the results of the re-weighing. Billing charges will be determined by multiplying the Typical Weight by the amount per ton/pound charged by Santa Fe County.

"Vehicle Weight" means:

- (1) Gross Weight is the total weight of a vehicle, including passengers and the Solid Waste being transported. In other words, Gross Weight is the weight as delivered before a load is dumped.
- (2) Weight is the weight of the vehicle, including passengers, after the Solid Waste has been dumped.
- (3) Net Weight is the difference between Gross Weight and Tare Weight. The Net Weight is the billable or assessed weight of the Solid Waste delivered.

"White Goods" means large metal appliances, washers, dryers, microwaves, and dishwashers.

"Yard Waste" means vegetative matter resulting from landscaping and/or land clearing.

Section 5. Administration

- (A) The County Manager or his/her designee is responsible for the administration of Solid Waste Management Ordinance.
- (B) The County Manager may delegate any or all of the administrative functions, powers and duties specified herein to other appropriate Santa Fe County divisions and departments as deemed necessary to carry out the requirements of the ordinance.
- (C) The County Manager shall establish rules and regulations to carry out the intent and purpose of the Ordinance, shall establish policies and procedures for operations, the billing and collection of service fees, administrative enforcement actions and appeals and grievances.
- (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.
- (E) The County Manager shall have the authority to delay or refuse the use of transfer station services for failure t comply with this Ordinance of the rules and regulations promulgated pursuant to it. The County Manager may al take legal action to collect fees owed Santa Fe County pursuant to this Ordinance.

- (F) The County Manager may initiate studies for the need, location, and operation of facilities to recover material or energy from Solid Waste or improved or additional collection services and to implement programs to achieve resource recovery and other studies which will benefit management of Solid Waste in Santa Fe County.
- (G) This Ordinance empowers the County Manager to address special wastes, encourage recycling and waste minimization, maintain quality standards and educational support of comprehensive solid waste management.
- (H) Upon the recommendation of the County Manager, Santa Fe County may implement a licensing requirement and franchise fee on the collection and transport of SolidWaste, either by amending his Ordinance or enacting another Ordinance.
- (I) The County Manager may develop and establish procedures and guidelines for waiving or modifying the requirements of this Ordinance in non-emergency situations.
- (J) In the event of an emergency condition, the County Manager may waive or modify the requirements of this Ordinance without regard to any procedures or guidelines promulgated under this Ordinance. In that event, the County Manager shall immediately notify the Board of County Commissioners of the requirements of the Ordinance that were waived or modified as well as the circumstances and duration of the emergency condition.

Section 6. Solid Waste Collection Authorization

- (A) Implementation of Solid Waste Regulation. Except as otherwise provided herein, all Solid Waste accumulated in the County 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 the Caja del Rio land facility, County Transfer Stations or other NMED Solid Waste Facilities.
- (B) Handling of Solid Waste By Others. Section 6 A. of this Ordinance shall not prohibit the actual producers of solid waste or the owners of premises upon which solid waste has accumulate from personally collecting, conveying and disposing of such solid waste. The producers or owners shall comply with the provisions herein, and with other applicable laws or ordinances which regulate the disposal of solid waste, shall pay all applicable collection fees, whether the solid waste collection service is utilized or not.
- (C) Interference With County Employees. It shall be unlawful for any person to interfere with the County Manager or with any authorized County employees or with any duly authorized contracted employees, while in the performance of their duties, as authorized by this Ordinance and any applicable regulations.

Section 7. Solid Waste Preparation Requirements

- (A) Separation of Solid Waste. In order to be accepted at County Transfer Stations, garbage, ashes, constructions and demolition debris, land clearing debris, scrap metal tires, waste oil, and recyclable materials shall be separated and prepared in accordance with this ordinance and policies posted at the County Transfer Stations.
- (B) Residential Solid Waste. Residential Solid Waste shall be bagged and shall be free of liquids. Burned Residential Solid Waste shall not be accepted. Large Loads of Residential Solid Waste shall no be accepted.
- (C) Green Waste. Yard waste, weeds, lawn clippings and leaves shall be bagged, unless put in with land clearing debris for grinding.
- (D) Land Clearing Debris and Clean Wood waste shall be cut to a length of six feet or less, and shall not have a diameter greater of 24 inches. Stumps shall not be delivered to the County transfer stations. Land Clearing Debris and Clean Wood waste must be delivered to designated Transfer Stations and unloaded in accordance with posted rules and regulations.
- (E) Scrap Tires. Used vehicle tires shall be accepted from private residents only. Rims shall be removed prior to delivery or an extra trip will assed for each delivery with rims. Each household shall be permitted to dispose of (8) tires per month.
- (F) Recyclable Material. Recyclable materials indentified individually herein must be source separated for other Solid Waste and placed in recycling bins as required or as posted or instructed at County Transfer Stations.
- (G) Corrugated Cardboard. Kraft paper bags, and mixed papers, as defined herein or on signs at County Transfer Stations, shall not be placed in with Solid Waste for disposal. Cardboard shall be source separated, flattened and placed in cardboard recycling bins as provided at transfer stations. Mixed papers shall be source separated as instructed and placed in mixed paper recycling bins.
- (H) E-Waste. E-Waste shall be source separated from other Solid Waste, E-Waste may only be delivered at special E-Waste collection events, or taken to an E-Waste reuse or recycling firm.
- (I) Household Hazardous Waste. Household Hazardous Waste should be used up according label instructions. Household Hazardous Wastes are not accepted at Transfer Stations. Rather, Household Hazardous Wastes must be source separated from other Solid Waste, stored in the original containers, and taken to a Household Hazardous Waste collection event.
- (J) Household Medical Waste. Household Medical Waste can be place in with residential Solid Waste. Use sharps must be placed in an approved sharps container or a thick walled strong plastic bottle with a tight fitting lid.(e.g., a laundry soap bottle) prior to disposal with bagged Residential Solid Waste. Used sharps may not be placed in soda bottles, milk jugs,

or other thinned walled containers. Under no circumstances shall used sharps be placed in recyclable bottles, as they can cause injury to workers.

- (K) Scrap Metal/White Goods. Residential white goods such as washers, dryers, dishwashers, etc., are considered recyclable materials. Scrap metals shall not be placed in with Solid Waste for disposal. These items will be accepted as a no charge item at all transfer stations that are identified as accepting scrap metal. Regulated Appliances are not white goods.
- (L) Regulated Appliances. Shall be accepted at no charge if Freon or other coolant has been removed prior to delivery and the appropriate CFC removal verification sticker is attached. Regulated appliances that do not have an affixed CFC removal may, in the County's discretion, be accepted, subject to a Trip rate charge as posted at the transfer stations.
- (M) Motor Oil. Motor Oil shall not b mixed with other Solid Wastes. Motor oil shall be delivered in leak-proof containers with secure lids and placed in a storage area or in collection containers a directed by a caretaker. Motor oil shall be collected from private residents only. A maximum of five (5) gallons of motor oil will be accepted per visit.
- (N) Ashes. Hot ashes will not be accepted at County Transfer Stations. Cold ashes are those that are held at least 24 hours prior to delivery to a County Transfer Station, and shall be accepted. Cold ashes shall not be placed in with other Solid Waste for disposal, but, rather shall be placed in a designated ash container as directed by the caretaker.
- (O) **Prohibited Materials**. Prohibited materials shall not be delivered to any County Transfer Station.
- (P) Commercial Vehicles and Large Loads. Commercial Vehicles may not be used at and Large Loads may not be delivered to any County Transfer Station. Rather, Commercial Vehicles and Large Loads must be delivered directly to Caja del Rio Landfill or another NMED approved solid waste facility.
- (Q) Commercial Solid Waste. Commercial Solid Waste will only be accepted at County Transfer Stations in quantities less than 9,000 pounds (e.i., 4.5 tons) net weight. Loads exceeding 9,000 pounds net weight shall be delivered to the Caja del Rio Landfill or other NMED approved solid waste facility.
- (R) Covered Loads. All loads delivered to the Solid Waste Facilities shall be covered or secured. Failure to cover or secure loads will subject the violator to an additional charge and/or citation.
- (S) Construction and Demolitions Debris. C & D debris shall be cut to a length of six feet or less and to a width of 24 inches or less.
- (T) Clean Fill. Shall be separated from other Solid Wastes and shall be placed in designated fill areas, if available. In order to be considered acceptable in clean fill area (s), individual pieces cannot be larger than 18"X12"X6". (All sites may not have clean fill areas.)

Clean fill shall not be placed in waste or recycling collection boxes or compactors. Large loads, slabs, or pieces larger than specified must be taken to the Caja del Rio Landfill and other NMED solid waste landfill facility.

Section 8. Ownership of Solid Waste

Until such time as the Solid Waste is deposited in a landfill or an NMED approved Solid Waste Facility or removed by a Commercial Solid Waste Hauler or Commercial Solid Waste Contractor, all Solid Waste generated within the County is owned by and is the responsibility of the Generator or, should the Generator fail to remove the Solid Waste from the responsible party's property, the Responsible Party. A Commercial Solid Waste Hauler or Commercial Solid Waste Contractor who removes Solid Waste from a property shall take ownership of the Solid Waste until it is taken to a Transfer Stations or an NMED approved Solid Waste Facility. The Generator of the refuse or Responsible Party shall certify that the refuse complies with environmental regulations for household or commercial waste. In the event the refuse is determined to be hazardous or not appropriate for disposal at the Transfer Station, the County reserves the right to assess the Generator or Responsible Party with the costs of processing and disposal of the refuse.

Section 9. Collection of Solid Waste

(A) Collection Points. Santa Fe County will establish and maintain Solid Waste and recycling transfer stations at such places with such hours as it may determine to be expedient from time to time. As of the passage of this Ordinance, Santa Fe County maintains the collection centers described below:

Convenience	Location	Community
Center	10	·
Nambe	NM 503	Chimayo/Nambe
Jacona	NM 502	Pojoaque/Jacona
Tesuque	NM 592	Tesuque/Chupadero
San Marcos	CR 42	Cerrillos/Galisteo
Eldorado	US 285	Eldorado/Hondo
Stanley	CR 17A	Stanley/Edgewood
La Cienega	CR 54B	La Cienega/La Cieneguilla
Rancho Viejo	A-Va-Nu-Po	Rancho Viejo
Recycling Center	• 60	t

Section 10. Prohibited Solid Waste

The following types of Solid Wastes are prohibited at any County Transfer Station. It shall be a violation of this Ordinance for any persons to deliver or attempt to deliver such Solid Wastes to a County Transfer Station.:

- (A) Any type of Solid Waste regulates as a "Special Waste" under 20.9 NMAC.
- (B) Regulated Medical Waste. All Regulated Medical Wastes must be properly "red bagged" and handled by a licensed medical waste hauler. The producer shall be responsible for the proper disposal of Regulated Medical Waste.
- (C) Hazardous Waste. Hazardous waste shall not be collected, transported or disposed of unless in full compliance with local, state, an federal regulations regarding transportation and disposal. The producers or possessors of such material shall immediately notify Santa Fe County, who shall provide technical assistance on the proper collection and disposal of such material. In do in so, however, Santa Fe County shall not assume responsibility for the proper collection disposal of such material.
 - (D) Any Prohibited Material, as defined herein.
 - (E) Large Loads, as defined herein.

Section 11. Prohibited Acts

In addition to any other act prohibited under this Ordinance, the following acts are prohibited. Violators may be cited and if convicted, punished in accordance with Section 12 of this Ordinance.

- (A) Permit Abuses. Obtaining a permit under false pretenses, using a permit for other than its authorized purposes, the unauthorized transfer of a permit to another person, or the counterfeiting of permits.
 - (B) Uncovered Loads. Transporting and delivering uncovered/unsecured loads.
- (C) Unbagged Loads. Transporting and delivering un-bagged wastes that are required to be bagged under this Ordinance.
- (D) Preparation Requirements. Not properly preparing or disposing of material as specified in Section 7, "Solid Waste Preparation Requirements", of the Ordinance.
- (E) Unauthorized Locations/After Hours Disposal. Disposal of wastes at unauthorized locations within Transfer Station. Leaving waste at Transfer Stations after hours.
- (F) **Prohibited Materials**. Delivery and disposal or the attempted delivery or disposal of Prohibited Materials.
- (G) Hazardous Waste. Delivery and disposal or the attempted delivery or disposal of Hazardous Waste in any manner other than as provided for in the Hazardous Waste Act. NMSA 1978, 74-4-1, et seq.

(H) Misuse of Recycling Bins/Areas. Disposal of non-recyclable Solid Wastes, refuse, or Garbage in recycling bins or in recycling areas.

(I) Scavenging.

- (J) Interference with Caretakers. Interfering with, harassing, or assaulting a Caretaker or other Santa Fe County employee work at a Transfer Stations.
- (K) Requiring Recycling. Disposal of Corrugated Cardboard, Kraft Paper, and or Mixed Papers other that in recycling collections bins.
- (L) Large Loads. Disposal or Large Loads or disposal of Solid Waste using Commercial Vehicles.

(M) Illegal Dumping.

- (N) Accumulation of C & D Debris. Debris resulting from construction or demolition of structures may be collected within an active construction site only if the Solid Waste is contained in such a manner that it will not be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the County.
- (O) Open Burning. Open burning of Solid Waste is prohibited within the County, provided, however that the burning of certain types of Yard Refuse pursuant to a validly issued permit from the County Fire Marshall shall not constitute prohibited Open Burning.
- (P) Accumulation of Solid Waste. It shall be unlawful to allow ay Solid Waste to unreasonably collect or accumulate on any lot or other premises within the County.
- (Q) Posted Policies. Failure to follow written or posted policies and procedures concerning the disposal of Solid Waste Transfer Stations.

Section 12. Enforcement and Penalty Schedules

- (A) The Santa Fe County Sheriff and his deputies, Solid Waste Compliance Officer, and Santa Fe County Code Enforcement Officers (collectively, "Authorized Enforcement Officers") are hereby authorized to enforce this Ordinance by issuing notices of violation and citations and/or by taking administrative action, such as confiscating a permit or revoking Transfer Station privileges, when such action is authorized herein and subject to the policies and procedures promulgated hereunder.
- (B) Notice of Violation. Any person who violates any provision of this Ordinance may be issued a Notice of Violation or Citation. The decision whether to issue a Notice of Violation of Citation is a matter within the discretion of the Authorized Enforcement Officer.
 - (C) Any person who receives a Notice of Violation shall have the period specified in the

Notice of Violation to complete the acts specified and/or to achieve compliance with the requirement cited. A Notice of Violation may set forth different compliance dates for each respective violation cited or specified. Failure to remedy the violations cited or complete the acts specified within the time frames set forth in a Notice of Violation will result in the issuance of a Citation.

- (D) Citation. An Authorized Enforcement Officer may institute a criminal prosecution for the violation of this Ordinance by issuing a citation charging the violation.
- (E) Inspection. An Authorized Enforcement Officer may make such inspections as are reasonably necessary to the enforcement of this Ordinance. All portions of vehicles and containers used to haul, transport, or dispose of Solid Waste and recyclable materials shall be subject to inspections to ascertain compliance with this Ordinance, as well as rules, regulations, and policies promulgated hereunder.
- (F) Burden of Proof. In the event any person's name or other identification is affixed or found on any illegally disposed of Solid Waste, such evidence shall constitute prima facie evidence and presumptive proof of a violation of this Ordinance. In such case, the burden of proof to establish a non-violation of this Ordinance shall be on such person.

(G) Schedule of Penalties

Section Violated	1 st Offense	2 nd Offense	3 rd and Subsequent Offenses
11(A) – Permits Abuses	Confiscation of permit and loss of privilege of the involved person(s) to use Transfer Stations for one year. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of up to \$300 and/or up to 2 days imprisonment.	Confiscation of permit and loss of privilege of the involved person(s) to use Transfer Stations for one year. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of up to \$300 and/or up to 7 days imprisonment.	Confiscation of permit and loss of privilege of the involved person(s) to use Transfer Stations for three years. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of up to \$300 and/or up to 14 days imprisonment.
11(B) – Uncovered Loads	Assessment of two (2) additional Trips and/or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$200.00

1 - :	of not less than		1
	\$50.00.	5 E 20	h 9.
11(C) - Unbagged	Written warning,	Upon conviction after	Upon conviction after
Loads	assessment of one (1)	issuance of a citation,	issuance of a citation,
	additional Trip,	the criminal penalty	the criminal penalty
1	and/or issuance of	shall be a fine of not	shall be a fine of not
(9	citation. If citation is	less than \$50.00.	less than \$100.00.
	issued and person	F278. 38	
	charged is found		
3	guilty, the criminal	Vi 6	
(2)	penalty shall be a fine	M 30 30% . 78	::
	of not less than	, II SI A	·
9 89 80 I	\$25.00.	the second of the second	en de la companya de
11(D) - Preparation	Written warning or	Upon conviction after	Upon conviction after
Requirements	issuance of citation.	issuance of a citation,	issuance of a citation,
22 T	If citation is issued	the criminal penalty	the criminal penalty
III. ASS	and person charged is	shall be a fine of not	shall be a fine of not
0.5	found guilty, the	less than \$75.00.	less than \$100.00 nor
	criminal penalty shall	158	more than \$200 for
0.	be a fine of not less		each violation.
	than \$50.00.		
11(E) - Unauthorized	Upon conviction after	Upon conviction after	Upon conviction after
Locations/After Hours	issuance of a citation,	issuance of a citation,	issuance of a citation,
Disposal	the criminal penalty	the criminal penalty	the criminal penalty
VA.	shall be a fine of not	shall be a fine of not	shall be a fine of not
	less than \$100.00 nor	less than \$200.00 nor	less than \$300.00
	more than \$300.00	more than \$300.00	and/or up to 90 days
	and/or up to 30 days	and/or up to 60 days	imprisonment.
4400 0 100	imprisonment.	imprisonment.	
11(F) – Prohibited	Confiscation of	Confiscation of permit	Confiscation of permit
Materials	permit and loss of	and loss of privilege	and loss of privilege
***	privilege to use	to use Transfer	to use Transfer
	Transfer Stations for	Stations for two years.	Stations for two years.
	one year.	If citation is issued	If citation is issued
	If citation is used and	and person charged is	and person charged is
ľ	person charged is	found guilty, the	found guilty, the
	found guilty, the	criminal penalty shall	criminal penalty shall
87	criminal penalty shall be a fine of not more	be a fine of not more than \$200 for each	be a fine of not more
	than \$100 and/or up	violation and/or up to	than \$300 and/or up to
	to 90 days	90 days	90 days imprisonment.
	imprisonment.	imprisonment.	Referral to NMED for
1	mibiracimicity.	anprisonnion.	possible additional
	Possible referral to	Referral to NMED for	action.
	state or federal	possible additional	
	authorities for	action.	,
	mumorinos tot	action.	,

	possible additional]
	action under state or		
	federal law.		
11(G) – Hazardous Wastes	Confiscation of permit and permanent loss of privilege to use Transfer Stations. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$5,000 and/or 90 days imprisonment. Referral to NMED for possible additional action.	Same as first offense.	Same as first offense.
	State Law.		
11(H) – Misuse of Recycling Bins/Areas	Written warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not les than \$50.00 nor more than \$100.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.
11(I) - Scavenging	Written warning or issuance of citation. If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100 for each violation.	If citation is issued and person charged is found guilty, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$250.00.
11(J) – Interference with Caretakers	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00 nor more than \$300.00 and/or 30 days imprisonment.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$200.00 nor more than \$300.00 and/or 30 days imprisonment. In addition, the defendant shall be banned from Transfer	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$300.00 and/or 90 days imprisonment. In addition, the defendant shall be permanently banned from Transfer

		Stations for not less	Stations.
		than one (1) year.	
11(K) - Required	Written warning or	Upon conviction after	Upon conviction after
Recycling	issuance of citation.	issuance of a citation,	issuance of a citation,
	If citation is issued	the criminal penalty	the criminal penalty
	and person charged is	shall be a fine of not	shall be a fine of not
	found guilty, the	less than \$50.00 nor	less than \$75.00 nor
	criminal penalty shall	more than \$100.	more than \$200.
	be a fine of not less		18
	than \$25.00.	- in	
11(L) - Large Loads	Upon conviction after	Upon conviction after	Upon conviction after
	issuance of a citation,	issuance of a citation,	issuance of a citation,
	the criminal penalty	the criminal penalty	the criminal penalty
	shall be a fine of not	shall be a fine of not	shall be a fine of not
	less than \$100.00 nor	less than \$200.00 nor	less than \$300.00
	more than \$300.00	more than \$300.00	and/or up to 90 days
707	and/or up to 30 days	and/or up to 60 days	imprisonment.
	imprisonment.	imprisonment.	
11(M) – Illegal	Upon conviction after	Upon conviction after	Upon conviction after
Dumping	issuance of a citation,	issuance of a citation,	issuance of a citation,
N XXX	the criminal penalty	the criminal penalty	the criminal penalty
	shall be a fine of not	shall be a fine of not	shall be a fine of not
797	less than \$300 nor	less than \$500,00 nor	less than \$500.00 nor
eri e	more than \$500	more than \$1,000.00	more than \$1,000.00
	and/or 60 days	and/or 60 days	and/or 90 days
	imprisonment.	imprisonment.	imprisonment.
11(N) - Accumulation	Upon conviction after	Upon conviction after	Upon conviction after
of C&D Debris	issuance of a citation,	issuance of a citation,	issuance of a citation,
	the criminal penalty	the criminal penalty	the criminal penalty
	shall be a fine of not	shall be a fine of not	shall be a fine of not
· · · · · · · · · · · · · · · · · · ·	less than \$25.00 nor	less than \$75.00 nor	less than \$100.
<u> </u>	more than \$50.00.	more than \$100.00.	

A violation of this Ordinance for which penalties are not specified above shall be subject to criminal penalties of a fine of not less than \$50 nor more than \$300 and/or 30 days imprisonment.

Section 13. Service Fees

All users of Transfer Stations must pay a service fee. The types of service fees for Residential Solid Waste and Commercial Solid Waste are set forth below.

(A) Residential Solid Waste Service Fees.

(1) Residential Solid Waste Permits consist of 24 Trip Permit, 1 Trip Permit, Recycling Admission Permits, and Bag Tags. Residential Solid Waste Permits may only be used

to dispose of Residential Solid Waste and Recyclable Materials. Residential Solid Waste Permits are non-refundable and non-transferable. The unauthorized use of a Solid Waste Permit is a violation of this Ordinance, punishable in accordance with Section 12. Residential Solid Waste Permits are valid only during the year printed on the permit. The costs of the permit shall not be pro-rated or discounted based on the month of purchase.

- (2) Santa Fe County Residents residing outside of incorporated areas are allowed to purchase the number of 24 Trip Permits, 1 Trip Permits, Recycling Admission Cards, and Bag Tags specified in Section 13(A)(4) of this Ordinance.
- (3) Santa Fe County Residents residing within incorporated areas may purchase the following Permit: a 1 Trip Permit for \$15.00 specified in Section 13(A)(5) of this Ordinance.

(4) Schedule of Residential Solid Waste Permit Fees for Residents Outside of Incorporated Areas.

Permit Type	Solid Waste Accepted	Number of Trips	Fee	Number allotted per year, per dwelling	
24 Trip Permit	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules, regulations, and policies promulgated hereunder, including the policies of individual Transfer Stations. Special Charges: Four (4) tires will be one (1) additional Trip.	24	FY 11 - \$65.00 FY 12 - \$75.00 FY 13 - \$85.00 FY 14 - \$95.00 FY 15 & Thereafter - \$105.00	2	
	Additional Trips will be charged in accordance with the		8	7	ii.

0,	schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and policies promulgated hereunder.	et e e e e e e e e e e e e e e e e e e		94 94	й М
27 pt. 114	March 12 10			10.	7 .
1 Trip Permit	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance	1	\$15.00	Unlimited	(
	and all rules, regulations, and policies promulgated hereunder, including the policies of individual	jā r		8	
	Transfer Stations. Special <u>Charges</u> : Four (4) tires will be (1) additional Trip.				
	Additional Trips will be charged in accordance with the schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and policies promulgated hereunder.				

Recycling Admission Permits	Recyclable Materials Only. Recycling Admission Cards will not be punched for recycling deliveries	Unlimited use for year	Free	Unlimited	95.0
Bag Tags	Each Bag Tag is good for one bag of up to 30 gallons of Solid Waste, subject to the restrictions of this Ordinance and all rules, regulations, and policies promulgated hereunder, including the policies of individual Transfer Stations.	5 tag minimum	\$5.00	Unlimited	

(5) Schedule of Solid Waste Permit Fees for Residents Residing Inside Incorporated Areas.

		<u> </u>	T	· · · · · · · · · · · · · · · · · · ·	_
					_
1 Trip Permit	Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules, regulations, and policies promulgated hereunder, including the policies of individual Transfer Stations.	1	\$15.00	Unlimited	

- (6) The Board of County Commissioners may authorize a low-income and/or senior citizen credit for Residential Solid Waste Permits. Should such credits be authorized by the Board of County Commissioners, the County Manager shall establish procedures by which County Residents may obtain such credits.
- (B) Commercial Solid Waste Fees. Generators of Commercial Solid Waste, Commercial Solid Waste Contractors, and Commercial Solid Waste Haulers may not use Residential Refuse Permits to access Transfer Stations. Rather, they must buy Commercial Solid Waste Permits or establish Commercial Billable Accounts in accordance with this Section.
 - (1) Definitions.
- a.) A Small Commercial Solid Waste Generator generates less than 5 tons (10,000 pounds) of Solid Waste per year.
- b.) A Large Commercial Solid Waste Generator generates more than 5 tons (10,000 pounds) of Solid Waste per year.

- (2) <u>Small Commercial Solid Waste Generators</u>. Small Commercial Solid Waste Generators must obtain a SCG Permit to access Transfer Stations.
 - (3) <u>Large Commercial Solid Waste Generators</u>. <u>Commercial Solid Waste Contractors</u>, and Commercial Solid Waste Haulers.
 - a.) Commercial Billable Accounts. Large Commercial Solid Waste Generators, Commercial Solid Waste Contractors, and Commercial Solid Waste Haulers must establish a billable account with Santa Fe County to access Transfer Stations. Upon approval of their application, which shall be in a form authorized by and contain such information as is required by the County Manager, a billable account shall be established in the name of the Large Commercial Solid Waste Generators, Commercial Solid Waste Contractors, and Commercial Solid Waste Haulers.
- b.) Payment Terms. The County will bill approved Large Commercial Solid Waste Generators, Commercial Solid Waste Contractors, and Commercial Solid Waste Haulers on a monthly basis. Payment is due within thirty (30) days of the billing statement. Amounts unpaid after the due date shall bear interest at the rate of four (4%) percent per annum. Unpaid balances that are past due by over 90 days shall result in the customer's account being suspended and their Transfer Station privileges revoked until the entire past due balance is paid in full.
- c.) <u>Prepayment May Be Required</u>. The County Manager may, in his discretion, require a Commercial Billable Account holder to prepay on their accounts, such prepayment amounts to be determined based upon the credit risk of the account holder and their estimated monthly charges.
- d.) <u>Billable Weight</u>. Commercial Billable Account holders shall be billed at the actual weight of their loads, for loads delivered to Transfer Stations with scales, or at their vehicle's Typical Weight, for loads delivered to Transfer Stations without scales.
 - (4) Schedule of Commercial Solid Waste Fees.

Commercial Service Type	Solid Waste Accepted	Number of Trips	Fee	Number allotted per year	
SCG Permit 10 Trip	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules, regulations, and policies promulgated hereunder,	10	FY 11 - \$110.00 FY 12 - \$120.00 FY 13 - \$130.00 FY 14 - \$140.00 FY 15 & Thereafter - \$150.00	2	

	including the policies of individual Transfer Stations. Special Charges: Four (4) tires without rims will be one (1) additional Trip. Additional Trips			数 第二項 変変。	
	will be charged in accordance with	n es	eto e e		
	the schedules and			≥ ^W	10
341	definitions set forth	187		T 1885 R	8 IW
19	Ordinance or in		2 =	*	
	rules, regulations,		a 251	15 Th	780 0
Ti 55	and policies promulgated	1,500	x:		
530	hereunder.	1:	- v		
Billable	Bagged	Ву	\$50.00 Ton \$.025 per	N/A	
Accounts	commercial refuse,	actual or typical	pound		
	recyclable	load	A		
	materials, scrap	weight,			
	metal, as specified in the approved	dependi ng upon			30
1	application.	whether			
5.	v97	Transfer	*77	#	0
# FG.	15:	Station has]
		scales or			
		not.			5
5 Trip	All Solid Waste and all sorted	5	FY 11 - \$70.00 FY 12 - \$80.00	2]
Ţ.	Recyclable		FY 13 - \$90.00		±16
1324	Materials, subject		FY 14 - \$100.00		
[to the restrictions		FY 15 & Thereafter -		
	of this Ordinance and all rules,		\$110.00		
	regulations, and				
¥.:	policies		#E		
	promulgated				

	hereunder, including the policies of individual Transfer Stations. Special Charges: Four (4) tires without rims will be one (1) additional Trips will be charged in accordance with the schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and policies promulgated hereunder.				
Billable Accounts	Bagged commercial refuse, all sorted recyclable materials, scrap metal, as specified in the approved application.	By actual or typical load weight, dependi ng upon whether Transfer Station has scales or not.	\$50.00 Ton \$.025 per pound	N/A	N/A

Section 14. Injunctive Relief

Where any act in violation of this Ordinance threatens the public health, welfare, or safety, Santa Fe County may seek from a court of competent jurisdiction a restraining order or injunction requiring the abatement of such violation. Such injunctive relief shall be in addition to and not in lieu of any other remedy or penalty authorized in this Ordinance or under law.

Section 15. Recovery of Damages

A person violating this Ordinance is responsible for all damage caused to Transfer Stations or Santa Fe equipment as a result on the violation. Santa Fe County may recover such damages from the violator in a lawsuit brought in a court of competent jurisdiction or as court ordered restitution and not in lieu of and other remedy or penalty authorized in the Ordinance or under law.

Section 16. Effective Date

This Ordinance shall be effective 30 days after it is duly recorded by the Santa Fe County Clerk.

Section 17. Repeal of Santa Fe County Ordinance Nos. 2009-13 and 2005-5

This Ordinance repeals and replaces Ordinance Nos. 2009-13 and 2005.5.

PASSED, APPROVED AND ENACTED this Board of County Commissioners of Santa Fe County.

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: Warry Montoya, Chair

COUNTY OF SANTA FE STATE OF NEW MEXICO

BCC ORDINANCE

Hand And Seal Of Office

I Hereby Certify That This Instrument Was Filed for Record On The 10TH Day Of June, 2010 at 04:47:52 pm Of The Records Of Santa Fe County

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

Approved as to form:

Stephen C. Ross, County Attorney

TA FE COMMISSION OF THE COMMIS

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2012 - T

AN ORDINANCE AMENDING ORDINANCE NO. 2010-5, SECTION 13, PARAGRAPH (A)(1) TO EXTEND THE TIME DURING WHICH PERMITS WILL REMAIN VALID, AND SECTION 13, PARAGRAPH (A)(4) TO SUSPEND SCHEDULED FEE INCREASES FOR RESIDENTS OUTSIDE OF INCORPORATED AREAS FOR TWENTY-FOUR TRIP PERMITS FOR FY 13 AND THEREAFTER

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT SECTION 13, SERVICE FEES, PARAGRAPHS (A)(1) AND (A)(4) OF ORDINANCE NO. 2010-5 ARE AMENDED AS FOLLOWS:

Section One. Amendment of Section 13(A)(1) of Ordinance 2010-5:

The second to the last sentence of Section 13(A)(1) is repealed and replaced with the following:

"Residential Solid Waste Permits are valid for thirty days after the year printed on the permit."

Section Two. Amendment of Section 13(A)(4) of Ordinance 2009-5:

Section 13(A)(4) (Schedule of Residential Solid Waste Permit Fees for Residents Outside of Incorporated Areas) is amended to indefinitely suspend fee increases for residents outside of incorporate areas for twenty-four trip permits for FY 13 and thereafter.

Section Three. Effective Date.

This Amendment shall become effective thirty days after recordation pursuant to NMSA 1978, Section 4-37-9(1975).

PASSED, ENACTED AND ADOPTED THIS 29 DAY OF MAN, 2012

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

Liz Stefanics, Onair

Valerie Espinoza
Santa Fe County Clerk

APPROVED AS TO FORM:

Stephen C. Ross, County Attorney





BCC ORDINANCE PAGES: Z

COUNTY OF SANTA FE STATE OF NEW MEXICO

) PAGES:

I Hereby Certify That This Instrument Was Filed for Record On The 30TH Day Of May, 2012 at 01:08:09 PM And Was Duly Recorded as Instrument # 1670753 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
County Cierk, Santa Fe, NM

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,

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

Kathy Holian, Chair

ATTEST:

Geraldine Salazar, Santa Fe County Clerk

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APPROVED AS TO FORM:

Stephen C. Ross, County Attorney



COUNTY OF SANTA FE STATE OF NEW MEXICO

)) 55 PAGES: 18

I Hereby Certify That This Instrument Was Filed for Record On The 29TH Day Of May, 2013 at 03:59:15 PM And Was Duly Recorded as Instrument # 1707202 Of The Records Of Santa Fe County

These My Hand And Seal Of Office
Geraldine Salazar
Ceputy Cierk, Santa Fe, NM

Exhibit A

PROPOSED CITY ANNEXATIONS PHASE II

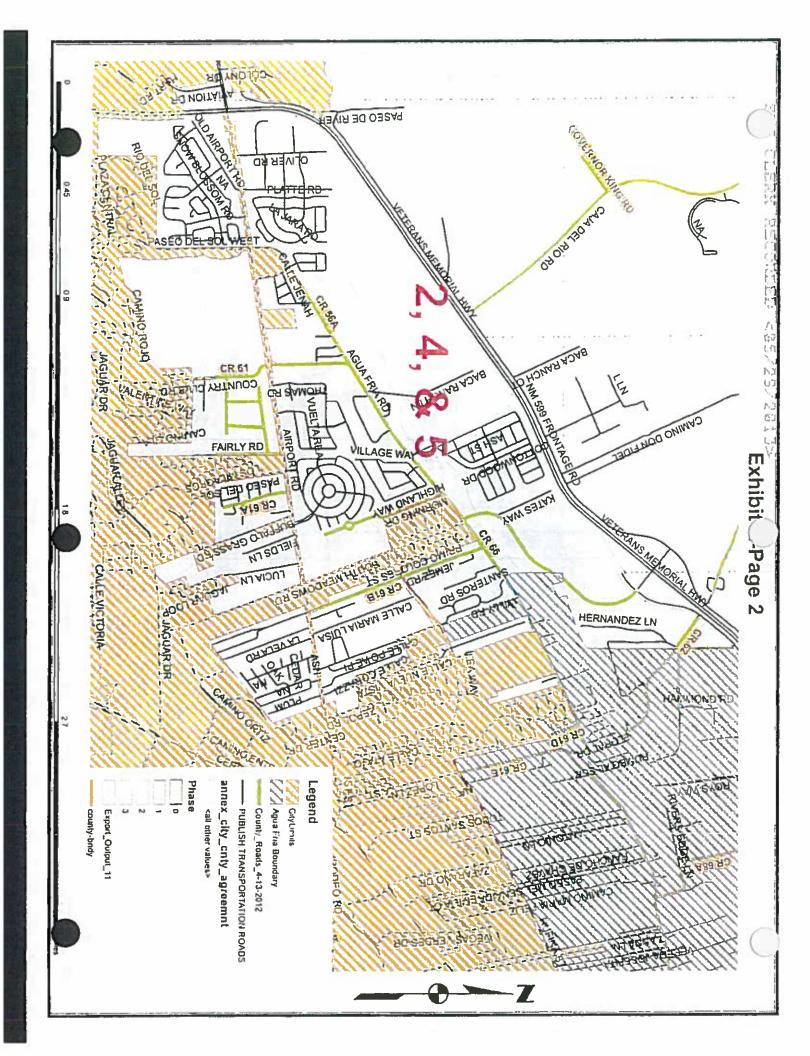
ROUTE NAME	ROUTE NUMBER
Country Club Estates	
Fairly Road	
Calle de Vencejo	
Calle Zanate	
Calle Chupa Rosa	
Calle Tangara	
Jimenez Subdivision	
Morning Drive	
Morning Street	
Morning Lane	
Town and Country Subdivision	
Camino Jalisco	
Calle VeraCruz	
Durango Drive	
Rancho de la Luna Subdivision	
Florence 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 Neison 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 Continuted	
Academy Rd	

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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	
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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 PI	
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	<u> </u>
Vista De Cristo	
Vista Del Norte	
Vuelta Real	
Vuelta Ventura	
W Gateway Dr	
W Prince Rd	
Walnut St	
Willy Rd	
Wolfcreek Rd	
Yucatan	



THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

ORDINANCE NO. 2014 – 6

AN ORDINANCE AMENDING ORDINANCE NO. 2012-7 (AMENDING ORDINANCE 2010-5 TO EXTEND THE TIME DURING WHICH PERMITS WILL REMAIN VALID), TO ENSURE THAT RESIDENTIAL SOLID WASTE PERMITS SHALL NOT EXPIRE UNTIL FULLY UTILIZED

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT ORDINANCE NO. 2012-7, IS AMENDED AS FOLLOWS:

1. Section One is repealed and replaced with the following:

Section One. Amendment of Section 13(A)(1) of Ordinance 2010-5:

The second to last sentence of Section 13(A)(1) is now repealed and replaced with the following:

"Residential Solid Waste Permits shall be valid until all permitted trips have been utilized."

- 2. All provisions of Ordinance No. 2012-7 not herein amended shall remain in full force and effect.
- 3. This Ordinance shall become effective thirty days after recordation pursuant to NMSA 1978, Section 4-37-9(1975).

PASSED, ENACTED AND ADOPTED THIS 27 DAY OF May 2014.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

Daniel W Mayfield Chair

COUNTY OF SANTA FE

BCC ORDINANCE PAGES: 2

STATE OF NEW MEXICO) SE

I Hereby Certify That This Instrument Was Filed for Record On The 28TH Day Of May, 2014 at 04:44:44 PM And Was Duly Recorded as Instrument # 1737798 Of The Records Of Santa Fe County

Deputy Clerk, Santa Fe, NM



ATTEST:

Geraldine Salazar
Santa Fe County Clerk

ATTEST:

Geraldine Salazar

5-27-2014

APPROVED AS TO FORM:

Gregory S. Shaffer, County Attorney



