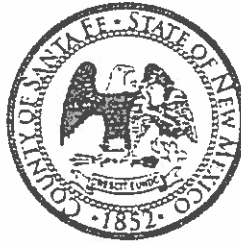


Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## ***MEMORANDUM***

**DATE:** *October 15, 2014*

**TO:** *Board of County Commissioners*

**FROM:** *Adam Leigland, Public Works Director* *AL*  
*10/14/14*

**VIA:** *Katherine Miller, County Manager*

**ITEM AND ISSUE:** *BCC Meeting October 28, 2014*

Ordinance 2014-\_\_\_\_\_ An Ordinance Amending Ordinance No. 1998-16 (An Ordinance Establishing Provisions For Extension Of Sewer Service; Adopting Operating And Management Procedures; Setting Rates; And Establishing Design Standards For The Santa Fe County Wastewater Utility) To Update The Service Rates And Charges And Service Area (First Public Hearing)

---

**SUMMARY:**

This ordinance amendment is to update the wastewater utility service area to match the boundaries of SDA 1 and to increase sewer service fees to overcome a revenue loss caused by the City's recently-increased sewer rates. Sewer service fees have not changed in sixteen years, the proposed rate structure would be in line with fees from adjacent jurisdictions, and the Utility Division currently pays more to the City for each sewer service customer than it collects from that customer.

**BACKGROUND:**

Santa Fe County established its present sewer service rates and its sewer service area in Ordinance 1998-16, which was passed on December 1, 1998. Sewer rates as established in that Ordinance are still in effect. In 2010, the County commissioned a water and wastewater rate study that produced rate change recommendations. The water rates were incorporated into the water rate schedule approved in May 2011 by the Commission, but the wastewater rates were not. In May 2013, the City and County signed the water and wastewater annexation agreement. This agreement resulted in the transfer of 625 wastewater customers from the City to the County. The wastewater generated by these customers is still ultimately treated by the City's wastewater treatment plant. Santa Fe County also has 295 residential wastewater customers whose wastewater is treated at the County's Quill Plant.

The average County wastewater utility customer discharges 3,500 gallons per month. The table below calculates a monthly average residential wastewater bill with the current and proposed rate structure as well as with the wastewater rates of surrounding jurisdictions.

1	Current Santa Fe County Rates	Amount	Average Monthly Cost at 3,500 gal Usage
1a	Monthly Fixed Fee (per household)	\$6.54	\$11.79
1b	Variable Usage Fee (per 1000 gal of wastewater) (First 2000 gal are free)	\$3.50	
2	City of Santa Fe Wholesale Rates	Amount	Cost to SFC for Wastewater Delivered to City Treatment
2a	Monthly Fixed Fee (per household)	\$4.29	\$18.12
2b	Variable Usage Fee (per 1000 gal of wastewater)	\$3.95	
3	2010 County Rate Study Recommendation Rates	Amount	Average Monthly Cost at 3,500 gal Usage
3a	Monthly Fixed Fee	\$7.90	\$22.08
3b	Variable Usage Fee (per 1000 gal of wastewater)	\$4.05	
4	Recommended Santa Fe County Rates	Amount	
4a	Monthly Fixed Fee	\$7.54	\$18.79
4b	Variable Usage Fee (per 1000 gal of wastewater) (First 1000 gal are free)	\$4.50	
	Current Area Rates For Comparison	Amount	Average Monthly Cost at 3,500 gal Usage
5	City of Santa Fe (inside City limit rates)		
5a	Monthly Fixed Fee	\$5.85	\$18.38
5b	Variable Usage Fee (per 1000 gal of wastewater)	\$3.58	
6	Albuquerque-Bernalillo County		
6a	Monthly Fixed Fee	\$8.25	\$14.59
6b	Variable Usage Fee (per 1000 gal of wastewater)	\$1.81	
7	City of Rio Rancho (inside City limit rates)		
7a	Monthly Fixed Fee	\$11.83	\$39.45
7b	Variable Usage Fee (per 1000 gal of wastewater)	\$7.89	
8	City of Espanola (inside City limit rates)		
8a	Monthly Fixed Fee	\$17.60	\$29.96
8b	Variable Usage Fee (per 1000 gal of wastewater)	\$3.53	

The City of Santa Fe recently created a wholesale rate for sewer and is in the process of increasing its retail rates. The wholesale rate, which is what the City charges the County for sewage it treats at its plant on the County's behalf, is indicated at Line 2 in the table above. This rate is charged on top of what the County charges the customer. The City is currently in the process of increasing its retail rates. The new City rates are shown at Attachment 6.

Lines 1 and 2 on the table above demonstrate the core problem. For an average wastewater customer of the County whose wastewater is treated at the City's treatment facility, the County pays \$7.23 more to the City than it collects from the customer. Note that this loss does not include the costs that the County incurs for billing, meter reading, and maintenance of the sewer lines.

City and County staff met to discuss the City's new sewer rates, both wholesale and retail. The City's new rates are based on a cost of service study that the City performed in 2013.

Based on the County's current rates and prevailing wastewater generation volumes, the average County sewer bill is approximately \$12 per month. The County has several commercial customers that pay on average \$160 per month and industrial customers that pay on the order of \$5500 per month.

The service area as established can be seen at Attachment A.

**DISCUSSION:**

Several factors have changed in the 16 years since the sewer ordinance was passed in 1998 that warrant its update.

First, the Sustainable Growth Management Plan (SGMP) was approved in 2010. Chapter 11 of the SGMP calls for the expansion of centralized wastewater service in the primary growth areas, and also calls for the alignment of the utility service area with Sustainable Development Area 1 (SDA 1). This is reflected in the Sustainable Land Development Code Official Map 6-*County Water and Sewer Utilities*. Therefore, staff is recommending amending Ordinance 1998-16 to align the service area with the Sustainable Land Development Code.

Second, as described above, the rate discrepancy with the City as a result of annexation results in a County revenue loss of approximately \$135,000 per year.

As shown above, it is estimated that these rate changes will result in the average monthly County residential sewer bill changing from \$12 to \$19 a month. Note that the proposed fee change also includes a reduction in the base water usage amount (the free amount) from 2,000 gallons per month to 1,000 gallons per month. This is a slight change from what was presented to the Commission at its August 26 meeting.

It is estimated that these changes will increase utility revenue by \$120,000 per year.

**ACTION REQUESTED:**

Approve subject ordinance

**Attachments:**

1. Rate comparison
2. Recommended new service area
3. Fiscal Impact Review
4. Provisions from Current County Sewer Ordinance
5. Provisions from City Sewer Rate Ordinance
6. Proposed new City rates

ORDINANCE 2014-\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 1998-16 (AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT PRODECURES; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS FOR THE SANTA FE COUNTY WASTEWATER UTILITY) TO UPDATE THE SERVICE RATES AND CHARGES AND SERVICE AREA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY ~~THAT ORDINANCE 1998-16 IS AMENDED AS FOLLOWS:~~

1. Paragraph 2.B of Ordinance No. 1998-16 is hereby replaced with the following:

B. Service Area

The County's sewer service area is defined to coincide with Sustainable Development Area 1 as indicated on the Sustainable Land Development Code Official Map Series Map 6 - *County Water and Sewer Utilities*, as such may be amended from time to time.

2. Page iii of Ordinance No. 1998-16 is hereby amended by deleting the phrase "Exhibit C – Service Area Map".

3. ~~Exhibit C~~ Ordinance No. 1998-16 is hereby amended by deleting Exhibit C. is hereby replaced with Sustainable Land Development Code Official Map Series Map 6 ~~County Water and Sewer Utilities.~~

34. Paragraph 5.1 of Exhibit A to Ordinance No. 1998-16 is hereby replaced with the following:

5.1 Each residential and nonresidential connection within the service area for which water consumption records are available shall be assessed a monthly fixed fee of seven dollars and fifty-four cents (\$7.54), plus a monthly charge of four dollars and fifty cents (\$4.50) per one thousand (1,000) gallons of applicable base period water use above the base rate of 21,000 gallons.

A. The base period for residential connection is the most recent December through February period preceding the fiscal year of fee assessment.

B. A residential connection shall include single and multi-family residences, mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S. Government, the State of New Mexico, the City of Santa Fe, the County of Santa Fe and Santa Fe Board of Education and private elementary and secondary schools and colleges.

C. The base period for a non-residential connection is the most recent April through March period for which water use records are available preceding the fiscal year of fee assessment. Upon written application to the Department, metered water use for non-residential connections may be reduced by two (2) gallons per month for each square foot of irrigated property. Reductions may be applied from March through November.

5. This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014

THE 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, Santa Fe County Attorney

ORDINANCE 2014-\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 1998-16 (AN ORDINANCE ESTABLISHING PROVISIONS FOR EXTENSION OF SEWER SERVICE; ADOPTING OPERATING AND MANAGEMENT PRODECURES; SETTING RATES; AND ESTABLISHING DESIGN STANDARDS FOR THE SANTA FE COUNTY WASTEWATER UTILITY) TO UPDATE THE SERVICE RATES AND CHARGES AND SERVICE AREA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AS FOLLOWS:

1. Paragraph 2.B of Ordinance No. 1998-16 is hereby replaced with the following:

B. Service Area

The County's sewer service area is defined to coincide with Sustainable Development Area 1 as indicated on the Sustainable Land Development Code Official Map Series Map 6 - *County Water and Sewer Utilities*, as such may be amended from time to time.

2. Page iii of Ordinance No. 1998-16 is hereby amended by deleting the phrase "Exhibit C – Service Area Map".
3. Ordinance No. 1998-16 is hereby amended by deleting Exhibit C.
4. Paragraph 5.1 of Exhibit A to Ordinance No. 1998-16 is hereby replaced with the following:

5.1 Each residential and nonresidential connection within the service area for which water consumption records are available shall be assessed a monthly fixed fee of seven dollars and fifty-four cents (\$7.54), plus a monthly charge of four dollars and fifty cents (\$4.50) per one thousand (1,000) gallons of applicable base period water use above the base rate of 1,000 gallons.

A. The base period for residential connection is the most recent December through February period preceding the fiscal year of fee assessment.

B. A residential connection shall include single and multi-family residences, mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S. Government, the State of New Mexico, the City of Santa Fe, the County of Santa Fe and Santa Fe Board of Education and private elementary and secondary schools and colleges.

C. The base period for a non-residential connection is the most recent April through March period for which water use records are available preceding the fiscal year of fee assessment. Upon written application to the Department, metered water use for





non-residential connections may be reduced by two (2) gallons per month for each square foot of irrigated property. Reductions may be applied from March through November.

5. This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9.

PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014


THE 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, Santa Fe County Attorney



Comparison of County Wastewater Customer Rates				
	Monthly Amount			
	Current County (\$)	Proposed County (\$)	Change (\$)	Current City (\$)
Fixed Service Charge	6.54	7.54	1.00	5.85
Volumetric Usage Charge (per 1000 gallons)	3.50	4.50	1.00	3.58
Gallons/Month				
1,000	6.54	7.54	1.00	9.43
2,000	6.54	12.04	2.00	13.01
3,000	10.04	16.54	3.00	16.59
4,000	13.54	21.04	4.00	20.17
5,000	17.04	25.54	5.00	23.75
6,000	20.54	30.04	6.00	27.33
7,000	24.04	34.54	7.00	20.91
8,000	27.54	39.04	8.00	34.49
9,000	31.04	43.54	9.00	38.07
10,000	34.54	48.04	10.00	41.65

← County average



# ATTACHMENT 2

Tessera: 12 Accts.

Aldea: 364 Accts.

Agua Fria Village

Vista Aurora: 74 Accts.

Desert Academy: 1 Acct.

El Gancho: 1 Acct. Harry's Roadhouse: 1 Acct.

Wild & Woolley MHP: 1 Acct.

TTMA: 25 Accts.

Longford Homes: 184 Accts.

Valle Vista: 195 Accts.

National Guard: 1 Acct. SF Studios: 1 Acct.

State Pen: 1 Acct.

Corrections: 1 Acct.

## LEGEND

### SFCU Sewer Service Areas

- Harry's Roadhouse
- El Gancho
- Desert Academy
- Valle Vista

### State Pen

- Santa Fe Studios
- Corrections
- National Guard
- Aldea

### Tessera

- Longford Homes
- Turquoise Trail Master Assoc.
- Wild & Woolley
- Vista Aurora

### Agua Fria Village

- GPS Roads
- Major Roads
- All other Roads
- City of SF Boundary

Total Number of Accounts to be affected by Rate Increase: 862



1 inch = 1,500 feet



## SFCU Sewer Service Areas



## SANTA FE COUNTY FISCAL IMPACT REPORT (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed ordinance or resolution as to its direct impact upon the County's operating budget and is intended for use by staff of the Human Resources and Finance Divisions, the County Manager and the governing body of Santa Fe County. Ordinances/resolutions with a fiscal impact must be reviewed by the Finance Division Director or the Budget Administrator. Ordinances/resolutions with proposed staffing increases must be reviewed and approved by the Human Resources staff and approved by the County Manager before presentation to the Board of County Commissioners (BCC).

Please refer to the instructions on how to complete this form.

### Section A. General Information

☒ Ordinance ☐ Resolution ☐ Other

A single FIR may be used for related ordinances and/or resolutions.

Short Title(s): Amend Sewer Rates and Service Area  
Reviewing Division(s): Public Works  
Person Completing FIR: Adam Leigland  
Date: 5/27/2014 Phone: x3023

### Section B. Summary

Briefly explain the purpose and major provisions of the ordinance/resolution.

This ordinance updates Ordinance 1998-12. Updates are to sewer service rates and to the service area.

### Section C. Fiscal Impact

NOTE: Financial information on this FIR does not directly translate into a Santa Fe County budget increase.

- The item must be presented to the Finance Division for analysis and recommendation as a potential request to increase the existing budget for the county.
- Detailed budget information must be included, such as funding source, amounts and justification.
- Detailed salary and benefit for new full-time equivalents (FTE's) must be included. The request must be approved by the staff of the Human Resources Division for each new FTE request.

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – the current fiscal year and the following three fiscal years, where applicable
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" if recurring annual costs  
Indicate: "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if four years does not adequately project revenue and costs patterns
- e. Costs may be netted or show as an offset if some cost savings are projected (please explain further in Section 3 Narrative)
- f. Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.
- g. This form allows for information related to two fiscal years. Please note *info* relation to other fiscal years in narrative 3.

Exp. Classification	FY	"A" or "N"	"R" or "NR"	FY	"A" or "N"	"R" or "NR"	Funds affected
Salary and Benefits							Select or type...
Maintenance							Select or type...
Other Operating							Select or type...
Contractual Services							Select or type...
Capital Requirements							Select or type...
Total							

\*Any indication that additional staffing would be required must be reviewed and approved in advance by the County Manager by attached memo before release of FIR to the Board of County Commissioners (BCC).

\*\* For salary and benefit information contact the Finance Division, or attach the New FTE Request form to provide necessary information.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.
- c. Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.



Type of Revenue	FY 15	"R" or "NR"	FY	"R" or "NR"	Funds Affected
Rate	\$60,000	R	\$120,000	R	Special Revenue _
Total	\$60,000		\$120,000		

### 3. Expenditure/Revenue Narrative:

Explain expenditures, grant match requirements, justify salary and benefit costs for new FTE request, detail capital and operating uses, etc. Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. (Attach supplemental page, if necessary). Also, provide expanded information for fiscal year three and four impact for both revenue and expenditures.

If adopted, the updated sewer rates will generate an additional approximately \$120,000 per year. Currently, the wastewater utility is losing \$135,000 per year due to outdated rates and a rate discrepancy with the City's wholesale wastewater rate.

## Section D. General Narrative

### 1. Conflicts:

Does this proposed ordinance/resolution duplicate/conflict with/companion to/relate to any County code, approved ordinance or resolution, other adopted policies and legislation? Include details of county adopted ordinances/resolutions and dates. Summarize the relationships, conflicts or overlaps.

In addition to updating rates, this amendment also aligns the wastewater service area with SDA 1 as indicated in the SGMP.

### 2. Consequences of Not Enacting This Ordinance/Resolution:

Are there consequences of not enacting this ordinance/resolution? If so, describe.

Service area will remain out of date, and the wastewater utility will continue to lose revenue each year.

### 3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None.

### 4. Community Impact:

Briefly describe the major positive or negative effects the ordinance/resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The rate changes will result in increased sewer bills for County wastewater customers (residential, commercial, and industrial). It is estimated that the average residential bill will change from \$12/month to \$18/month.

 No file attached  No file attached  No file attached



**B. Service Area**

1577082

The County's sewer service area is defined to coincide with the County's Water Utilities Service Area. Specifically, the Service Area is defined as those portions of the following Sections which are within the Service Area boundary depicted on Exhibit C.:

Township	Range	Sections
15 North	8 East	1,2,3,4 and 5
Township	Range	Sections
16 North	8 East	13,14,15,22,23,24,25,26,27,33,34,35 and 36
Township	Range	Sections
16 North	9 East	10,15,16,17,18,19,20,21, 22,27,28,29,30,31&32

**C. General Violations**

Violation of any local, state or federal regulation or law which affects the functioning of the County POTW or the County's beneficial use of the by-products of its wastewater treatment shall be considered a violation of this Ordinance.

**SECTION - 3**

**A. Abbreviations:**

*BOD* means biochemical oxygen demand

*CFR* means Code of Federal Regulations

*COD* means chemical oxygen demand

*CWA* means /Clean /Water Act of 1977 (P.L. 95-217, et seq)

*EPA* means United States Environmental Protection Agency

*gpd* means gallons per day

*l* means liter

*LEL* means lower explosive limit

*MGD* means million gallons per day

*mg* means milligrams



**1. Introduction.**

The intent of this schedule is to consolidate into one document all information regarding sanitary sewer rates, fees and penalties. In addition, when applicable, formulas and procedures for the application of formulas are described.

**2. Construction Inspection Fee.**

For each inspection made by the building inspection division or Department staff, the county shall assess a fee of one hundred fifty dollars (\$150.00) per service connection. Where subsequent re-inspections are necessary, due to unacceptable construction or non-compliance with county codes, regulations and standards, the county shall assess an additional inspection fee of one hundred dollars (\$100.00).

**3. Sewer Service Connection Fees.**

3.1 For each unattached or attached single family residence, including single family units in a Planned Unit Development and in a condominium and for each unit in a trailer park, the base connection fee shall be one hundred eighty dollars (\$180) for twenty (20) fixture unit equivalents (FUE),

3.2 For each unattached or attached single family residence, including single family units in a Planned Unit Development or in a condominium having excess of 20 FUE, in addition to the base fee, there shall be a fee of ten dollars (\$10) for each FUE in excess of 20.

3.3 For commercial, industrial, or institutional, or public service building and for multi-family apartments, the connection fee shall be ten dollars (\$10) for each FUE.

3.4 For new connections or reconnections required as a result of substantial reconstruction or remodeling wherein the total number of FUE shall increase beyond those existing before the reconstruction, the fee shall be ten dollars (\$10) for each FUE in excess of the total FUE prior to the reconstruction.

**4. Private Sewer Construction Permit Fee**

Fees for private sewer construction permits shall be assessed in the same manner as those fees established for sanitary sewer service connections.

**5. Sewer Service Charges**

5.1 Each residential and non-residential connection within the service area for which water consumption records are available shall be assessed a monthly fixed fee of six dollars and fifty four cents (\$6.54) plus a monthly charge of three dollars and fifty cents (\$3.50) per one thousand (1,000) gallons of applicable base period water use above the base rate of 2,000



gallons. The minimum monthly fee shall equal the fixed charge of six dollars and fifty four cents (\$6.54).

A. The base period for residential connection is the most recent December through February period preceding the fiscal year of fee assessment.

B. A residential connection shall include single and multi-family residences, mobile home parks, commercial greenhouses, churches, properties owned and operated by the U.S. Government, the State of New Mexico, the City of Santa Fe, the County of Santa Fe and the Santa Fe Board of Education and private elementary and secondary schools and colleges.

C. The base period for a non-residential connection is the most recent April through March period for which water use records are available preceding the fiscal year of fee assessment. Upon written application to the Department, metered water use for non-residential connections may be reduced by two (2) gallons per month for each square foot of irrigated property. Reductions may be applied from March through November.

5.2 Each residential and non-residential connection within the county limits for which there are no metered water use records for one or more of the months of the base period shall be assessed a monthly charge equal to the fixed monthly fee plus the charge as set out in paragraph 5.1 of this section for an assumed amount of monthly water use. The water use assumed for each month for which water use data is lacking shall be five thousand (5,000) gallons for each residential dwelling unit or for each twenty (20) fixture unit equivalents (FUE) or fraction thereof in a structure other than a dwelling.

5.3 Each lot having improvements which are dependent upon a septic wastewater system and which lot is accessible to county sanitary sewer system will not be assessed a monthly fee.

5.4 Each lot having no improvements but which lots are accessible to the County sanitary sewer system, shall be assessed a monthly fee of seven dollars (\$7.00) per lot.

5.5 In accordance with Gross Receipts and Compensating Tax Act, Section 7-9-4,1 NMSA 1978, a surcharge of up to 5 percent shall be imposed on each billing rendered in accordance with this section.

**6. Penalty for Delinquency.**

1. A penalty of one and a half per cent per month shall be charged on all delinquent assessments as defined in Section 7B of the Sewer Service Rate, Charges and Enforcement Section

**7. Placement of Lien for Sewer Service.**

7.1 Liens established against a property shall bear interest at a rate of one per cent (1%) per month.





## ATTACHMENT 5

1"	\$2,190
1-1/2"	\$4,380
2"	\$7,008
3"	\$14,016
4"	\$21,900
6"	\$43,800
8"	\$70,080
10"	\$127,020

7.3.5. Any separate water meter installed for irrigation purposes only shall not be included in the calculation of the charge.

7.3.6. In the event that the development does not have a water meter, or the wastewater division director or developer believes the size of the water meter does not accurately reflect wastewater generation, the developer may submit or the director may require the submission of a study, prepared by a professional engineer, to determine the charge listed in the above table for the water meter that most closely matches the cost of capital facilities to treat the biochemical oxygen demand that will be generated by the proposed development.

7.4. The UEC shall be due prior to issuance of a building permit if the property is located in the city limits and prior to obtaining a permit to connect to the sewer if the property is located outside the city limits.

7.5. Payments of wastewater utility expansion charges shall be deposited in an account separate from other funds of the city.

## 8. Sewer Service Charges.

### A. Connected to City Sewer

#### 1. Single Family Residential Sewer Service Fees and Usage Fees.

Single family residential sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the single family service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, single family residential sewer service fees and usage fees shall apply where the sewer connection serves only one unit\* for normal domestic sewage.

##### a. *In city limits:*

--	--	--	--

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit**

## 2. Multi-Family Residential Sewer Service:

The following sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the multi-family residential service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, multi-family residential sewer service fees and usage fees shall apply where the sewer connection serves more than one unit\* for normal domestic sewage.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**

July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*
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c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*

3. Commercial Sewer Service:

The following sewer service fees and usage fees shall apply where the water meter(s) serves a use not classified as single family residential or multi-family residential sewer service set forth above or where service is provided for a combination of residential and commercial services.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

c. *Outside presumptive city limits:*

<i>Customer Wholesale Rate for Santa Fe County</i>			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*

#### 4. Exceptions to Commercial Sewer Service.

Mobile home parks; commercial greenhouses; churches; properties owned by the U.S. government, the state of New Mexico, the City of Santa Fe, the County of Santa Fe and the Santa Fe board of education; and state accredited private elementary and secondary schools and colleges shall not be considered commercial sewer services and shall be considered residential sewer service.

#### B. Not Connected to City Sewer.

1. Accessible to city sewer system  
(as defined in subsection 22-2.1 SFCC 1987)

Effective Date	Cost per unit*/lot
January 1, 2010	\$5.85 per unit* or if no unit* \$5.85 per lot

2. Not accessible to city sewer system No charge.

#### C. Taxes.

Billings under this schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the city and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

#### Notes:

##### \* Unit means:

- *For residential customers:* one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease and physically separated from any other rooms or residential units that may be in the same structure and containing independent plumbing facilities. A residential unit may include, but is not limited to, a single family house, an apartment unit, condominium unit, mobile home, or a guest house.
- *For commercial customers:* an area constituting a separate, independent enterprise establishment for owner occupancy, or rental or lease and physically separated from any other commercial units that may be in the same structure and containing independent plumbing facilities.
- *For both residential and commercial purposes,* the term unit does not include a motel or hotel unit or similar transient lodging or rest homes, nursing homes or similar institutional facilities.

##### \*\* Shown on the water meter readings averaged for the months of December, January, and February

# City of Santa Fe, New Mexico

## memo

**DATE:** September 17, 2014

**TO:** Public Utilities Committee/Finance Committee/City Council

**FROM:** Bryan Romero, Acting Director, Wastewater Management Division *B/R*

**VIA:** Nick Schiavo, Public Utilities Department and Water Division Director *NSA*

**ITEM AND ISSUE:**

Review and approval for publication and public hearing of a Bill relating to sewer service charges – amending rule 8 of exhibit A of Chapter 22 SFCC 1987 to increase the monthly service fee and monthly usage fee for the wholesale rate; relating to extra-strength surcharges – amending Rule 12 of Exhibit A of Chapter 22 SFCC 1987 to increase the mass base charge; and making other such changes as are necessary.

**BACKGROUND AND SUMMARY:**

On April 2, 2014, a presentation was given to the Public Utilities Committee on the Financial Plan Update for the Wastewater Management Division. At this meeting, MWH, Inc, City's Utility Financial Consultant, presented the Financial Plan Update that demonstrated that a rate increase is needed for the next five (5) years. Below is an excerpt from the Financial Plan Update Report that summarizes some factors that have translated into the need for an increase to rates.

"In recent years, the Wastewater Division has seen a decrease in retail rate revenues. This loss in revenue has been from decreased billed usage and changes in retail customer structures. Since FY 2010-11, billed usage has decreased by 2.4% annually. In FY 2012-13, the Wastewater Division lost \$0.3 million in effluent revenues due to the loss of Las Campanas. In the same year, 700 retail customers were transferred to Santa Fe County and are no longer considered retail customers. All of these developments, along with the need to meet debt service coverage requirements and increasing CIP costs have created the need for five years of rate adjustments at 4.9%." (MWH, Consultants, "Water, Wastewater, and Environmental Services Financial Plan Report", June 2, 2014).

Attached is a Memorandum from MWH, Inc. summarizing the need for the increase, a power presentation and the Financial Plan Update Report presented at the April 2, 2014 meeting that provides detailed information related to the rate increase.



In conclusion, it is imperative that the wastewater rates be adjusted in order to continue operating the Wastewater Treatment Plant and the sanitary sewer system as well as meeting bonding obligations.

**ACTION REQUESTED:**

Review and approval of the attached bill for publication and public hearing.

Attachment – Financial Impact Report  
Sewer Rate Bill  
MWH Memorandum date 9-2-14  
Power Point Presentation  
Financial Plan Update

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2014-\_\_\_\_

3 INTRODUCED BY:

4  
5 Councilor Peter Ives

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10 AN ORDINANCE

11 RELATING TO SEWER SERVICE CHARGES – AMENDING RULE 8 OF EXHIBIT A  
12 OF CHAPTER 22 SFCC 1987 TO INCREASE THE MONTHLY SERVICE FEE AND  
13 MONTHLY USAGE FEE FOR THE WHOLESALE RATE; RELATING TO EXTRA-  
14 STRENGTH SURCHARGES – AMENDING RULE 12 OF EXHIBIT A OF CHAPTER 22  
15 SFCC 1987 TO INCREASE THE MASS BASE CHARGE; AND MAKING SUCH OTHER  
16 CHANGES AS ARE NECESSARY.

17  
18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. Rule 8 A. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-  
20 3, Exhibit A, as amended) is amended to read:

21 8. Sewer Service Charges.

22 A. Connected to City Sewer

23 1. Single Family Residential Sewer Service Fees and Usage Fees.

24 Single family residential sewer service fees and usage fees shall apply if  
25 a sewer customer is served by city water and meets the single family



1 service classification for water as set forth in Chapter 25 SFCC 1987. If  
2 not served by city water, single family residential sewer service fees and  
3 usage fees shall apply where the sewer connection serves only one unit\*  
4 for normal domestic sewage.

5 a. *In city limits:*

6

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

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10 b. *Inside presumptive city limits:*

11

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

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c. In city limits and presumptive city limits:

<u>Effective Date</u>		<u>Monthly Service Fee</u>	<u>Monthly Usage Fee</u>
<u>January 1, 2015</u>	<u>Connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$3.82 per 1000 gallons of water**</u>
<u>January 1, 2015</u>	<u>Not connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$13.75/unit*</u>
<u>January 1, 2016</u>	<u>Connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$4.01 per 1000 gallons of water**</u>
<u>January 1, 2016</u>	<u>Not connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$14.43/unit*</u>
<u>January 1, 2017</u>	<u>Connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$4.21 per 1000 gallons of water**</u>
<u>January 1, 2017</u>	<u>Not connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$15.16/unit*</u>
<u>January 1, 2018</u>	<u>Connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$4.42 per 1000 gallons of water**</u>
<u>January 1, 2018</u>	<u>Not connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$15.90/unit*</u>
<u>January 1, 2019</u>	<u>Connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$4.64 per 1000 gallons of water**</u>
<u>January 1, 2019</u>	<u>Not connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$16.70/unit*</u>

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[e]d. Outside presumptive city limits:

Customer Wholesale Rate for Santa Fe County			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*
<u>January 1, 2015</u>	<u>Connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$3.95 per 1000 gallons of water**</u>
<u>January 1, 2015</u>	<u>Not connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$14.22/unit*</u>
<u>January 1, 2016</u>	<u>Connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$4.14 per 1000 gallons of water**</u>
<u>January 1, 2016</u>	<u>Not connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$14.92/unit*</u>
<u>January 1, 2017</u>	<u>Connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$4.34 per 1000 gallons of water**</u>
<u>January 1, 2017</u>	<u>Not connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$15.62/unit*</u>
<u>January 1, 2018</u>	<u>Connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$4.55 per 1000 gallons of water**</u>
<u>January 1, 2018</u>	<u>Not connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$16.39/unit*</u>
<u>January 1, 2019</u>	<u>Connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$4.77 per 1000 gallons of water**</u>
<u>January 1, 2019</u>	<u>Not connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$17.17/unit*</u>

2. Multi-Family Residential Sewer Service:

The following sewer service fees and usage fees shall apply if a sewer customer is served by city water and meets the multi-family residential service classification for water as set forth in Chapter 25 SFCC 1987. If not served by city water, multi-family residential sewer service fees and usage fees shall apply where the sewer connection serves more than one

unit\* for normal domestic sewage.

a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water**
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

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c. In city limits and presumptive city limits:

<u>Effective Date</u>		<u>Monthly Service Fee</u>	<u>Monthly Usage Fee</u>
<u>January 1, 2015</u>	<u>Connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$3.82 per 1000 gallons of water**</u>
<u>January 1, 2015</u>	<u>Not connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$13.75/unit*</u>
<u>January 1, 2016</u>	<u>Connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$4.01 per 1000 gallons of water**</u>
<u>January 1, 2016</u>	<u>Not connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$14.43/unit*</u>
<u>January 1, 2017</u>	<u>Connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$4.21 per 1000 gallons of water**</u>
<u>January 1, 2017</u>	<u>Not connected to city water</u>	<u>\$6.84/unit*</u>	<u>\$15.16/unit*</u>
<u>January 1, 2018</u>	<u>Connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$4.42 per 1000 gallons of water**</u>
<u>January 1, 2018</u>	<u>Not connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$15.90/unit*</u>
<u>January 1, 2019</u>	<u>Connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$4.64 per 1000 gallons of water**</u>
<u>January 1, 2019</u>	<u>Not connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$16.70/unit*</u>

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[e]d. Outside presumptive city limits:

Customer Wholesale Rate for Santa Fe County			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water**
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*
<u>January 1, 2015</u>	<u>Connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$3.95 per 1000 gallons of water**</u>
<u>January 1, 2015</u>	<u>Not connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$14.22/unit*</u>
<u>January 1, 2016</u>	<u>Connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$4.14 per 1000 gallons of water**</u>
<u>January 1, 2016</u>	<u>Not connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$14.92/unit*</u>
<u>January 1, 2017</u>	<u>Connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$4.34 per 1000 gallons of water**</u>
<u>January 1, 2017</u>	<u>Not connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$15.62/unit*</u>
<u>January 1, 2018</u>	<u>Connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$4.55 per 1000 gallons of water**</u>
<u>January 1, 2018</u>	<u>Not connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$16.39/unit*</u>
<u>January 1, 2019</u>	<u>Connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$4.77 per 1000 gallons of water**</u>
<u>January 1, 2019</u>	<u>Not connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$17.17/unit*</u>

3. Commercial Sewer Service:

The following sewer service fees and usage fees shall apply where the water meter(s) serves a use not classified as single family residential or multi-family residential sewer service set forth above or where service is provided for a combination of residential and commercial services.

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a. *In city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*

b. *Inside presumptive city limits:*

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.84 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$13.82/unit*

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c. In city limits and presumptive city limits:

Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2010	Connected to city water	\$5.85/unit*	\$3.58 per 1000 gallons of water***
July 1, 2012	Not connected to city water	\$5.85/unit*	\$12.88/unit*
<u>January 1, 2015</u>	<u>Connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$3.82 per 1000 gallons of water***</u>
<u>January 1, 2015</u>	<u>Not connected to city water</u>	<u>\$6.22/unit*</u>	<u>\$13.75/unit*</u>
<u>January 1, 2016</u>	<u>Connected to city water</u>	<u>\$6.52/unit*</u>	<u>\$4.01 per 1000 gallons of water***</u>
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<u>January 1, 2018</u>	<u>Connected to city water</u>	<u>\$7.18/unit*</u>	<u>\$4.42 per 1000 gallons of water***</u>
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<u>January 1, 2019</u>	<u>Connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$4.64 per 1000 gallons of water***</u>
<u>January 1, 2019</u>	<u>Not connected to city water</u>	<u>\$7.53/unit*</u>	<u>\$16.70/unit*</u>

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[e]d. Outside presumptive city limits:

Customer Wholesale Rate for Santa Fe County			
Effective Date		Monthly Service Fee	Monthly Usage Fee
January 1, 2014	Connected to county water	\$4.29/unit*	\$3.95 per 1000 gallons of water***
January 1, 2014	Not connected to county water	\$4.29/unit*	\$14.22/unit*
<u>January 1, 2015</u>	<u>Connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$3.95 per 1000 gallons of water***</u>
<u>January 1, 2015</u>	<u>Not connected to county water</u>	<u>\$4.48/unit*</u>	<u>\$14.22/unit*</u>
<u>January 1, 2016</u>	<u>Connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$4.14 per 1000 gallons of water***</u>
<u>January 1, 2016</u>	<u>Not connected to county water</u>	<u>\$4.70/unit*</u>	<u>\$14.92/unit*</u>
<u>January 1, 2017</u>	<u>Connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$4.34 per 1000 gallons of water***</u>
<u>January 1, 2017</u>	<u>Not connected to county water</u>	<u>\$4.93/unit*</u>	<u>\$15.62/unit*</u>
<u>January 1, 2018</u>	<u>Connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$4.55 per 1000 gallons of water***</u>
<u>January 1, 2018</u>	<u>Not connected to county water</u>	<u>\$5.17/unit*</u>	<u>\$16.39/unit*</u>
<u>January 1, 2019</u>	<u>Connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$4.77 per 1000 gallons of water***</u>
<u>January 1, 2019</u>	<u>Not connected to county water</u>	<u>\$5.42/unit*</u>	<u>\$17.17/unit*</u>

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1                   4.       Exceptions to Commercial Sewer Service.

2                   Mobile home parks; commercial greenhouses; churches; properties  
3                   owned by the U.S. government, the state of New Mexico, the city of  
4                   Santa Fe, the county of Santa Fe and the Santa Fe board of education;  
5                   and state accredited private elementary and secondary schools and  
6                   colleges shall not be considered commercial sewer services and shall be  
7                   considered residential sewer service.

8                   Section 2.       Rule 8 B. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-  
9                   3, Exhibit A, as amended) is amended to read:

10                  B.       Not Connected to City Sewer.

11                  1.       Accessible to city sewer system

12                       (as defined in subsection 22-2.1 SFCC 1987)

Effective Date	Cost per unit*/lot
January 1, 2010	\$5.85 per unit* or if no unit* \$5.85 per lot
<u>January 1, 2015</u>	<u>\$6.22 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2016</u>	<u>\$6.52 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2017</u>	<u>\$6.84 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2018</u>	<u>\$7.18 per unit* or if no unit* \$5.85 per lot</u>
<u>January 1, 2019</u>	<u>\$7.53 per unit* or if no unit* \$5.85 per lot</u>

13                  2.       Not accessible to city sewer system       No charge.

14                   Section 3.       Rule 12. of Exhibit A of Chapter 22 SFCC 1987 (being Ord. #1997-3,  
15                   Exhibit A, as amended) is amended to read:

16                  12.       Extra-Strength Surcharge. See the definition of COD in subsection 22-2.1 and  
17                       Section 22-10 for information related to the extra-strength surcharge.

18                  12.1. The Surcharge fee shall be equal to:

19                       0.9 x (C-D) x F x cf x L, for users whose discharge has been tested, and  
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1 APPROVED AS TO FORM:

2 Kelley A. Brennan  
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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *Melissa/Bills 2014/Sewer Rates Increase*

## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A.      General Information

(Check) Bill:   X        Resolution: \_\_\_\_\_

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO SEWER SERVICE CHARGES – AMENDING RULE 8 OF EXHIBIT A OF CHAPTER 22 SFCC 1987 TO INCREASE THE MONTHLY SERVICE FEE AND MONTHLY USAGE FEE FOR THE WHOLESALE RATE; RELATING TO EXTRA-STRENGTH SURCHARGES – AMENDING RULE 12 OF EXHIBIT A OF CHAPTER 22 SFCC 1987 TO INCREASE THE MASS BASE CHARGE; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

Sponsor(s): Councilor Ives

Reviewing Department(s): Public Utilities Department / Wastewater Management

Persons Completing FIR: Bryan Romero / Fernando Aranda Date: 9/17/14 Phone: 955-4623

Reviewed by City Attorney: Kelley A. Brennan Date: 9/22/14  
(Signature)

Reviewed by Finance Director: [Signature] Date: 09/22/2014  
(Signature) PAUL TENNEY BARON

### Section B.      Summary

The Bill amends Exhibit A in Chapter 22 to include an average rate increase of 5.6 % effective January 1, 2015, thereafter increasing rates 4.9 % per year for four (4) years starting January 1, 2016.

### Section C.      Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*
1. Projected Expenditures:
  - a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
  - b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
  - c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
  - d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
  - e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_

\_\_\_\_\_ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ _____			\$ _____			

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 14/15	"R" Costs Recurring or "NR" Non-recurring	FY 15/16	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Base			\$11,429,393		51450
Rate/Volume Charges	\$10,836,486				
COD Surcharge	\$361,984		\$379,721		51450
	\$ _____		\$ _____		
Total:	\$ _____		\$ _____		

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 16/17	"R" Costs Recurring or "NR" Non-recurring	FY 17/18	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Base  
Rate/Volume Charges      \$12,054,392      \$12,713,225      51450

COD Surcharge      \$398,327      \$417,845      51450

\$      \$      \$

Total:      \$      \$

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 18/19	"R" Costs Recurring or "NR" Non-recurring	FY 19/20	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Base  
Rate/Volume Charges      \$13,407,726      \$      51450

COD Surcharge      \$438,320      \$      51450

\$      \$      \$

Total:      \$      \$

### 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Additional base rate, volume, and chemical oxygen demand charges will be generated as a result of the average 5.6% increase beginning January 1, 2015, and the 4.9% percent increase per year for four (4) years starting January 1, 2016.

### Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None that staff are aware of.

## 2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

If the ordinance is not adopted, revenue requirements to meet the needs identified in the financial plan will not be met. Adverse effect to bond rating.

## 3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

There are no incorrect citations of law, drafting errors or other problems that staff are aware of. No other alternatives are being presented. To delay the increase beyond January 1, 2015 will result in the need for higher rate increases.

## 4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The Ordinance will implement rate increases to all Wastewater Utility Customers. The Bill amends Exhibit A in Chapter 22 to include an average rate increase of 5.6 % effective January 1, 2015, thereafter increasing rates 4.9 % per year for four (4) years. The increase is needed to pay for increasing costs and capital improvements to serve all customers. The increase will allow for the utility to maintain a sufficient fund balance to meet the minimum debt service coverage required to meet bond obligations.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08



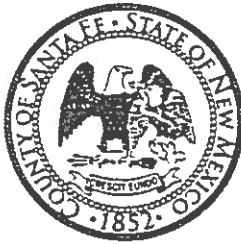




Daniel "Danny" Mayfield  
Commissioner, District 1

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: *October 8, 2014*

TO: *Board of County Commissioners*

FROM: *Adam Leigland, Public Works Department Director* *12/12/14*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting October 28, 2014.*

Ordinance 2014-\_\_\_\_\_, an Ordinance Adopting the Solid Waste and Recycling Management Ordinance and Repealing Ordinance Numbers 2010-5, 2012-7, 2013-3 and 2014-6 (First Public Hearing)

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### 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). On September 30, 2014, the BCC gave authorization to publish title and general summary of the proposed ordinance amendment.

### 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.

The BCC asked for two public hearings on this item; this is the first.

**ACTION REQUESTED:**

Conduct the first of two public hearings to be held.

## Solid Waste Permit Recommendations

Achieve 30% cost recovery thru permit sales within 5 years:

	CY14	CY15	CY16	CY17	CY18	CY19
	current	Year 1	Year 2	Year 3	Year 4	Year 5
SW budget	2,394,059	2,538,589	2,613,698	2,682,506	2,753,271	2,830,950
Permit Sales	397,010	232,020	480,390	544,686	710,352	849,285
% recovered	17%	9%	18%	20%	26%	30%

Phase out 24-punch permit, phase in 6- and 12-punch permits

	current rate	Year 1 rate	Year 2 rate	Year 3 rate	Year 4 rate	Year 5 rate
1-trip	15	15	16	17	18	19
6-trip	---	35	45	55	70	95
12-trip	---	65	75	85	110	140
24-trip	75	---	---	---	---	---
24-trip, low-income	70	---	---	---	---	---
5 bag tags	5	6	7	8	9	10
Est. Sales Revenue		163,490	480,390	545,760	703,815	897,240

Achieve 40% cost recovery thru permit sales within 5 years:

	CY14	CY15	CY16	CY17	CY18	CY19
	current	Year 1	Year 2	Year 3	Year 4	Year 5
SW budget	2,394,059	2,538,589	2,613,698	2,682,506	2,753,271	2,830,950
Permit Sales	397,010	232,020	522,739	697,452	908,579	1,132,380
% recovered	17%	9%	20%	26%	33%	40%

Phase out 24-punch permit, phase in 6- and 12-punch permits

	current rate	Year 1 rate	Year 2 rate	Year 3 rate	Year 4 rate	Year 5 rate
1-trip	15	15	18	19	20	21
6-trip	---	35	50	65	80	110
12-trip	---	65	85	100	125	160
24-trip	75	---	---	---	---	---
24-trip, low-income	70	---	---	---	---	---
5 bag tags	5	6	7	8	9	10
Est. Sales Revenue		163,490	532,320	642,790	801,260	1,027,785



**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  
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 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 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.

**"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 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.

**"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 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 the fees assessed for the use of Convenience Centers, in accordance with the fee schedules specified herein.

**"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.

**"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, 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.

**"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, asphalt or 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 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 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 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.

**"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. Ashes;
2. Construction and Demolition Debris;
3. Clean Fill;
4. Clean Wood Waste;
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.

**"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
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**

(A) Authority to Collect, Transport and Dispose of Solid Waste. Except as otherwise provided herein, all Solid Waste accumulated in areas indicated on Exhibit A shall be collected, conveyed, and disposed of by the County or any of its authorized contractors in accordance with this Ordinance and state and federal regulations to the extent authorized by law. The exclusive authority of the County to collect, convey and dispose of Solid Waste does not extend to nonresidential recyclables, dead animals, construction and demolition debris, hazardous waste and other such materials which the County is prohibited by law from collecting or disposing. The mandatory collection shall go into effect as indicated by the Board of County Commissioners when it establishes the fees for that service. No person shall collect, convey on any of the streets or alleys of the County, or dispose of any solid waste accumulated in the County, except as herein provided. The County Manager shall have the authority to establish procedures concerning the days of collections, type and location of collection, conveyance, and disposal as necessary and to change and revoke same. Except as otherwise provided herein, all Solid Waste accumulated in the County outside of the areas indicated on Exhibit A shall be collected and conveyed to an approved disposal site by the Solid Waste generator, authorized Commercial Solid Waste Contractor or Commercial Solid Waste Hauler in accordance with this Ordinance and State and Federal regulations. Approved disposal sites include Caja del Rio land facility, County 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 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.

(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 delivery. 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, dryers, 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 no charge 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 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.

## **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:

<i>Convenience Center</i>	<i>Location</i>	<i>Community</i>
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 Recycling Center	Avenida Del Sur	Rancho Viejo

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.**

(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 materials 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 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.

## **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 Waste regulated 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 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 doing 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 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 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.

(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

Section Violated	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> and Subsequent Offenses
11(A) – Permits Abuses	Confiscation of permit and loss of privilege of the involved person(s) to use Convenience Centers 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 Convenience Centers 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 Convenience Centers 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 Trip Punches and/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 \$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
11(C) - Unbagged Loads	Advisory Warning, assessment of one (1) additional Trip Punch, and/or issuance of citation. If citation is issued and person charged is found	Upon conviction after issuance of a citation, 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 \$100.00.

	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 \$100.00 nor more than \$200 for each violation.
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 a fine 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 Convenience Centers for one year. If citation is issued and person charged is found guilty, the criminal 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 Convenience 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 Convenience 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 Wastes	Confiscation of permit and permanent loss of privilege to use Convenience Centers. If citation is issued and person charged is	Same as first offense.	Same as first offense.

	<p>found guilty, the criminal penalty shall be a fine of not less than \$5,000 and/or 90 days imprisonment.</p> <p>Referral to NMED for possible additional action under State Law.</p>		
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 \$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 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, the criminal penalty shall be a fine of not less than \$300 nor	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$500.00 nor	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$500.00 nor



	more than \$500 and/or 60 days imprisonment.	more than \$1,000.00 and/or 60 days imprisonment.	more than \$1,000.00 and/or 90 days imprisonment.
11(L) – 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 Disposal of Recyclable Materials	Advisory Warning or 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 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**

- (1) 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 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.

#### **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 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 any other remedy or penalty authorized in the Ordinance or under law.

#### **Section 16. Effective Date**

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 2014-6.

**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**

By: \_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**Approved as to form:**

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney



THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

ORDINANCE NO. 2010- 5

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 untreated 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<sup>st</sup> and ends on June 30<sup>th</sup> 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 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, (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;
2. 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 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, 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 of 37.32 Cubic Yards of Land Clearing Debris (i.e., 12.45 cubic yards up to a maximum of 24.88 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 to comply with this Ordinance of the rules and regulations promulgated pursuant to it. The County Manager may also 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 Solid Waste, 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 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.

(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 be assessed for each delivery with rims. Each household shall be permitted to dispose of (8) tires per month.

(F) **Recyclable Material.** Recyclable materials identified 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 to 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 placed 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 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 as 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:

<i>Convenience Center</i>	<i>Location</i>	<i>Community</i>
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 Recycling Center	A-Va-Nu-Po	Rancho Viejo

### **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, 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 doing 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 than 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 any 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 or 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 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> 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

	of not less than \$50.00.		
11(C) - Unbagged Loads	Written warning, assessment of one (1) additional Trip, and/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.	Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$100.00.
11(D) - Preparation Requirements	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 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 \$200 for each violation.
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 a fine 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 Stations for one year. If citation is issued and person charged is found guilty, the criminal 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	Confiscation of permit and loss of privilege to use Transfer Stations 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 Stations 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.

	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. State Law.	Same as first offense.	Same as first offense.
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 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	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 than one (1) year.	Stations.
11(K) – Required Recycling	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 \$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.
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 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(M) – 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 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 60 days imprisonment.	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(N) – 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.

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	
<b>24 Trip Permit</b>	<p>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.</p> <p><u>Special Charges:</u> Four (4) tires will be one (1) additional Trip.</p> <p>Additional Trips will be charged in accordance with the</p>	24	<p>FY 11 - \$65.00 FY 12 - \$75.00 FY 13 - \$85.00 FY 14 - \$95.00 FY 15 &amp; Thereafter - \$105.00</p>	2	

	schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and policies promulgated hereunder.				

1 Trip Permit	<p>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.</p> <p><u>Special Charges:</u></p> <p>Four (4) tires will be (1) additional Trip.</p> <p>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.</p>	1	\$15.00	Unlimited	
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<b>Recycling Admission Permits</b>	Recyclable Materials Only. Recycling Admission Cards will not be punched for recycling deliveries	Unlimited use for year	Free	Unlimited	
<b>Bag Tags</b>	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.**

<b>1 Trip Permit</b>	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:	1	\$15.00	Unlimited	
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	<p>Four (4) tires will be (1) additional Trip.</p> <p>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.</p>				
Recycling Admission Permits	<p>Recyclable Materials Only. Recycling Admission Permits will not be punched for recycling deliveries.</p>	Unlimited Use for Year	Free	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) Small Commercial Solid Waste Generators. Small Commercial Solid Waste Generators must obtain a SCG Permit to access Transfer Stations.

(3) Large Commercial Solid Waste Generators, Commercial Solid Waste Contractors, 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.) Prepayment May Be Required. 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.) Billable Weight. 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	

	<p>including the policies of individual Transfer Stations.</p> <p><u>Special Charges:</u></p> <p>Four (4) tires without rims will be one (1) additional Trip.</p> <p>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.</p>				
<b>Billable Accounts</b>	Bagged commercial refuse, all sorted recyclable materials, scrap metal, as specified in the approved application.	By actual or typical load weight, depending upon whether Transfer Station has scales or not.	\$50.00 Ton \$.025 per pound	N/A	
<b>5 Trip</b>	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules, regulations, and policies promulgated	5	FY 11 - \$70.00 FY 12 - \$80.00 FY 13 - \$90.00 FY 14 - \$100.00 FY 15 & Thereafter - \$110.00	2	

	<p>hereunder, including the policies of individual Transfer Stations.</p> <p>Special Charges:</p> <p>Four (4) tires without rims will be one (1) additional Trip.</p> <p>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.</p>				
<b>Billable Accounts</b>	Bagged commercial refuse, all sorted recyclable materials, scrap metal, as specified in the approved application.	By actual or typical load weight, depending 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 8<sup>th</sup> day of JUNE, 2010, by the Board of County Commissioners of Santa Fe County.

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

By: [Signature]  
Harry Montoya, Chair

**ATTEST:**

[Signature]  
Valerie Espinoza, Santa Fe County Clerk

**Approved as to form:**

[Signature]  
Stephen C. Ross, County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
I Hereby Certify That This Instrument Was Filed for  
Record On The 10TH Day Of June, 2010 at 04:47:52 PM  
And Was Duly Recorded as Instrument # 1601219  
Of The Records Of Santa Fe County  
Deputy [Signature] Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, 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 extend to nonresidential recyclables, dead animals construction and demolition debris, hazardous waste and other such materials which the County is prohibited by law from collecting or disposing. The mandatory collection shall go into effect as indicated by the Board of County Commissioners when it establishes the fees for that service. No person shall collect, convey on any of the streets or alleys of the County, or dispose of any solid waste accumulated in the County, except as herein provided. The County Manager shall have the authority to establish procedures concerning the days of collections, type and location of collection, conveyance and disposal as necessary and to change and revoke same. Except as otherwise provided herein, all Solid Waste accumulated in the County outside of the areas indicated on Exhibit A, shall be collected and conveyed to an approved disposal site by the Solid Waste generator, authorized Commercial Solid Waste Contractor or Commercial Solid Waste Hauler in accordance with this Ordinance and State and Federal regulations. Approved disposal sites include Caja del Rio land facility, County Transfer Stations or other NMED Solid Waste Facilities.

(B) **Handling of Solid Waste By Others.** Subsection (A) of this Section shall not prohibit the actual producers of solid waste or the owners of premises upon which solid waste has accumulated from personally collecting, conveying and disposing of such solid waste. The producers or owners shall comply with the provisions herein, and with any other applicable law or ordinances which regulate the disposal of solid waste, and shall pay all applicable collection fees, whether the solid waste collection service is utilized or not.

(C) **Interference with Collection.** It shall be unlawful for any person to interfere with County employees or authorized County contracted collection service employees, while in the performance of their duties, as authorized by this Ordinance and any applicable regulations.

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

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

**Section 7(B), Preparation Requirements for Solid Waste Collected Curbside or Roadside**

(A) **Separation of Solid Waste.** Garbage, ashes, recyclable materials, and other materials as directed, shall each be placed and maintained in separate containers.

(B) **Preparation of Solid Waste.** All garbage shall be free of liquids before being placed in garbage containers for collection.

(C) **Duty to Maintain Containers in Sanitary Condition.** Solid waste containers shall be maintained in good condition. Any container that does not conform to the provisions of this Ordinance shall be promptly replaced or collection may be denied. The County shall not be responsible for damage to enclosures or containers that are not designed or constructed in



accordance with standards adopted by the County Manager or any contractor responsible for solid waste collection on behalf of the County. Service may be suspended if enclosures or containers are in a state of disrepair which may cause unsafe conditions for the individuals collecting the solid waste.

(D) **Collection of Ashes and Hot Waste.** For at least 24 hours prior to the scheduled time of collection, ashes shall be cold. Cold ashes may then be placed at the collection point at the specified time and in appropriate containers so as not to ignite or smolder.

(E) **Commercial Solid Waste Containers.**

(1) Commercial establishments, multiple-family dwellings and multiple single-family residential units utilizing a single container shall be required to furnish appropriate containers.

(2) No person shall deposit ashes, hot waste or other materials susceptible to spontaneous ignition into any combustible container, or place the same within ten feet of any combustible materials, except containment in metal or other noncombustible containers. Placement of containers shall comply with the New Mexico Fire Code or other applicable codes.

(F) **Residential Solid Waste Containers.**

(1) Solid Waste shall be enclosed in commercially available plastic bags or containers for residential collection. The containers must conform to contractor collection specifications, or to specifications promulgated by the County Manager. All containers must be tightly secured so as to prevent solid waste from being scattered, blown or spilled. Sharp or extremely heavy materials will be placed in disposable containers other than plastic bags. Tree trimmings and similar solid waste suitable for bundling will be tied in bundles not to exceed 4 feet in length, 2 feet in diameter and 40 pounds in weight. Plastic bags shall be of sufficient strength so as not to tear with normal handling at maximum capacity. Recyclables shall be separated from other Solid Waste. Bags shall not exceed 50 Pounds. Containers shall not exceed 200 pounds. Broken glass, cactus plants and other sharp objects shall be picked up only if placed in separate non-plastic bags or containers and labeled accordingly. Needles shall be placed in a puncture proof container with a screw top lid. Tree limbs and plant cuttings shall be tied in bundles no longer than 4 feet and shall not exceed 40 pounds.

(2) Residents shall keep all Solid Waste within private property away from public view until such time as it is placed curbside or roadside for pickup. Residential Solid Waste in bags shall only be placed curbside or roadside for collection between 6:00 a.m. and 8:00 a.m. on the day of scheduled pick up, and if in a container, shall be placed out for collection no later than 8:00 a.m. on the regularly scheduled day but no sooner than 5:00 p.m. the evening prior to collection.

(3) Residential Solid Waste, when served by curbside or roadside collection, shall be placed as close to the curb or roadway as possible and in a location clear from vehicular traffic, and shall not prohibit pedestrian movement. Solid waste shall be clearly visible and

accessible for collection, and free from any obstructions (including but not limited to trees, shrubbery, walls, fences, and vehicles). Containers must be a minimum of 3 feet from any other object, including refuse bags, so that collection equipment does not get damaged and collection employees do not get injured. The County Manager shall have the authority to designate the Solid Waste collection sites. Failure to ensure accessibility to the containers may result in collection being discontinued until such time as accessibility issues are addressed by the resident.

(4) Residents who fail to comply with these requirements shall be responsible for storing their Solid Waste until their next regular collection day, or disposing of it at an approved disposal facility.

(5) Bags of Solid Waste shall be securely tied to avoid spillage. Cleaning of any spillage that occurs, even within public right-of-way, as a result of improperly bagged or secured solid waste or due to entry by animals shall be the responsibility of the resident.

(G) **Prohibited Materials.** Residents are prohibited from placing for collection at the curbside or roadside: solid waste listed as special waste by the New Mexico Solid Waste Management Regulations (20 NMAC 9.1 700-711); items that can cause operational problems or damage to equipment; items that pose health risks to workers or adverse impacts on the environment; furniture; mattresses; large tree limbs; tires; engine parts; large household appliances; unbundled trees or other large items.

(H) Modified curbside and roadside collection shall be available for residents with disabilities, including entry onto the property or into residential units to remove containers of Solid Waste from porches, portals and garages. Residents with disabilities which restrict the resident's ability to place solid waste at the curbside or roadside are eligible for modified service. Procedures for obtaining modified service shall be established by the County Manager.

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

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

"(B) **Mandatory Collection Services.**

(1) The Board of County Commissioners shall designate service areas of the County for phased-in service by mandatory Solid Waste collection services, including collection of recyclables. The services may include curbside and roadside collection, area Solid Waste collection or other types of collection procedures deemed appropriate for the area by the County Manager for residential collection.

(C) **Frequency of Solid Waste Collection.**

(1) **Residential Solid Waste Collection.** Solid waste accumulated by residences shall be collected at such times and frequency as deemed necessary by the County.

(2) Commercial Solid Waste Collection. Hotels, restaurants, other establishments and businesses, institutions, multiple-unit dwellings and multiple single-family dwellings receiving commercial Solid Waste collection service, as deemed necessary may enter into an agreement for greater frequency of collection.

a. The County may require more frequent collections be made where necessary to protect the public health.

b. All commercial Solid Waste containers are to be accessible between the hours of 4:00 a.m. and 8:00 p.m.

(3) No Solid Waste collection vehicles shall collect Solid Waste within 200 feet of a school site within one-half hour of school opening or closing for the day.

(D) Limitations on Quantity.

(1) Residential Solid Waste Collection. In areas designated for mandatory curbside or roadside collection services, the County shall collect the solid waste of each residence during a collection period for the standard charge.

(2) Commercial Solid Waste Collection. Any excess Solid Waste accumulation that is not contained in a container is prohibited. The Solid Waste must not exceed the container capacity and the Solid Waste container lid must be closed at all times except when disposal is occurring. Any excessive accumulation as determined by the County Manager may require a special collection at an additional fee.

(E) Special and Hazardous Waste.

(1) Infectious Waste. Infectious waste, including wearing apparel, bedding, Solid Waste or other infectious or contagious material from homes, hospitals nursing homes, or other places where highly infectious or contagious diseases have prevailed, shall not be placed in containers for regular collection. The producers of such solid waste shall immediately notify the County Manager who shall provide technical assistance on proper collection and disposal of such material, at the expense of the owner or resident possessor thereof.

(2) Hazardous Waste. Hazardous waste shall not be collected, transported, or disposed of unless in full compliance with local, state and federal regulations regarding transportation and disposal. Hazardous waste material shall not be placed in containers for regular collection and disposal. The producers or possessors of such material shall immediately notify the County Manager who shall provide technical assistance on the proper collection and disposal of such material at the expense of the resident, owner or possessor thereof. The County further reserves the right to prohibit the disposal of hazardous waste within the unincorporated areas of Santa Fe County.

(F) Collection by Commercial Producers.

(1) Requirements for Vehicles. The commercial producers of Solid Waste, the owners of premises upon which such solid waste is accumulated, licensed transporters of Solid Waste, or persons who desire to dispose of waste material which is not included in the definition of Solid Waste, shall do so only in compliance with the provisions of this Ordinance. Such collection shall be accomplished through the use of a vehicle with a tightly secured cover. Such vehicles shall be operated to prevent offensive odors and Solid Waste from being blown, dropped, leaked or spilled.

(2) Disposal. Disposal of solid waste by persons so permitted shall be made at a solid waste facility site. If disposal of solid waste occurs in Santa Fe County, compliance with Santa Fe County land use ordinances and regulations, Santa Fe Solid Waste Management Authority regulations and policies, and other local land use policies shall occur. Santa Fe County may continue to own and operate convenience centers, also known as Transfer Stations, for the collection of Solid Waste. Such facilities shall be regulated by separate provisions adopted and revised from time to time by the Board of County Commissioners.

(3) Rules and Regulations. The County Manager shall develop rules and regulations concerning individual collection or disposal for approval by the Board of County Commissioners.

(4) Applicable Fees. Nothing herein shall be construed to exempt such resident, producers or owners from the fees required within mandatory service areas.

**(G) Change Between Residential and Commercial Collection Service.**

The County Manager shall establish guidelines for determining and allowing a change between residential and commercial Solid Waste collection service as part of the rules and regulations to be developed pursuant to this Ordinance. The guidelines shall be approved by the Board of County Commissioners.

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

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

**Section 13(B), Service Fees for Mandatory service areas.**

(A) Service fees for collection of Solid Waste in designated mandatory service areas shall be established and periodically updated by amendment to this Ordinance. When curbside and roadside pickup is performed by the City of Santa Fe, the fees for collection shall be those charged to the same class of customer within the City of Santa Fe, including applicable administrative fees. The resident or property owner shall be responsible for payment of fees for collection services within designated mandatory service areas. Reasonable deposits may be required of any customer when the County deems it appropriate.

(B) The Board of County Commissioners authorizes any contracted waste collection

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provider to bill and collect service fees if such billing is provided for in the contract for waste collection services between the County and the waste collection provider.

(C) The Board of County Commissioners may establish a low income reduced fee in designated mandatory service areas. Qualified persons must have an annualized gross income that is no greater than 80 percent of the area median family income for the County as determined from time to time by the U.S. Department of Housing and Urban Development

(D) Commercial service fees. Hotels, restaurants, other establishments and businesses, institutions, and multiple-unit dwellings and multiple single-family dwellings receiving commercial Solid Waste collection service in a designated service area shall pay service fees based on the type and frequency of service and the volume of the Solid Waste container.

(E) Starting and stopping service; credit. All premises included in designated mandatory collection areas shall be charged solid waste collection fees except as provided herein:

(1) Previously unoccupied residences. New homes will begin receiving billing for services upon issuance of a certificate of occupancy. It shall be the duty of the builder, contractor, or agent to notify the County in writing at the time of the sale.

(2) Vacant residential premises. Residential premises which become vacant shall continue to receive charges unless said unoccupied premises meet all the following conditions:

- a. Premises are unoccupied for a period of 60 consecutive days or more;
- b. Premises is receiving residential (and not commercial) collection services;
- c. The customer's premises are vacant of all occupants for the entire period of suspension;
- d. A written request for service suspension is received by the County ten days prior to the beginning of suspension. The request shall include date of departure and expected return date.
  - i. Written request should be mailed to the County as provided by the rules and regulations established by the County Manager.
  - ii. Telephone requests will not be honored.
  - iii. If Solid Waste is found at the premises during temporary suspension of service and it is determined said Solid Waste was generated by lawful occupants of the premises, the resident or customer may be billed in arrears for the entire suspension period. All charges are on a full month basis and shall not be prorated.

(3) Vacant commercial premises. Commercial premises located in a designated mandatory collection area, which become vacant, shall continue to receive charges until proper written application to stop charges is approved by the County. The owner, tenant, lessee, manager, or occupant shall make such written application to the County Solid Waste Management Program.

(4) Credit or back charge adjustments may be made retroactive; however, such adjustments shall not exceed a period of 4 years.

(5) Any false statement made within any application or request pursuant to this article constitutes a violation of this Ordinance.

(F) Payment. All charges for Solid Waste collection services within mandatory collection areas shall be payable to Santa Fe County and will become delinquent 15 days following the date stated on the customer's utility statement.

(G) Penalty. A penalty of 18 percent per annum may be imposed on all delinquent accounts and assessed on a monthly or quarterly basis.

(H) Responsibility of payments, liens and deposits.

(1) The charges provided for herein are the personal responsibility of the owner of the property served.

(2) The County may file a lien on such property for such unpaid charges including any interest or penalties accruing on same.

(3) In the event the property is sold, the original owner shall notify the County as provided herein, the date of the transfer of title and the name and address of the new owner.

(4) Reasonable deposits may be required of any customer when the County Manager deems it appropriate.

(I) Legal remedy. The County shall have a right to proceed for collection of such unpaid charges in any manner allowed by law.

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

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

By: Kathy Holian  
Kathy Holian, Chair

ATTEST:

  
Geraldine Salazar, Santa Fe County Clerk



APPROVED AS TO FORM:


  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDINANCE  
PAGES: 18

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

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

## PROPOSED CITY ANNEXATIONS PHASE II

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

FILED  
RECORDED  
455/25/2013



## Exhibit A

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	
Beech	
Bella Dr	
Berch	
Birch St	
Borrego Pass	
Boylan Cir	
Boylan Country Rd	
Boylan Ln	
Brazos River Rd	
Buffalo Grass Rd	
Calle belinda	
Calle Chuparosa	
Calle Cisco	
Calle Corazon	
Calle Corazzi	
Calle Daniel	
Calle Inez	
Calle Jenah	
Calle Dryshana	
Calle Larranaga	
Calle Lazo Errante	
Calle Lema	
Calle Maes	
Calle Maria Luisa	
Calle Norte	
Calle Nueva Vista	
Calle Pico	
Calle Po Ae Pi	
Calle Prado	
Calle Tangara	
Calle Unidad	
Calle Vencejo	
Calle Zanate	
Caminito Quintana	

## Exhibit A

ROUTE NAME	ROUTE NUMBER
Camino Cementerio	
Camino Charro	
Camino De Vaca	
Camino De Viento	
Camino Hingo	
Camino Juliana	
Camino Mio	
Camino Tierra Real	
Camino Vista Verde	
Cedar	
Charley Bendley Dr	
Cheyenne Cir	
Cole Ct	
Commerce Pl	
Constellation Dr	
Coriander Rd	
Corte Ct	
Cottonwood Dr	
Country Club Garden	
Country Club Rd	
Coyote Ln	
Cree Cir	
Cree Ct	
Crouch Ct	
Cuatro Vientos	
Cypress St	
Dail Cir	
Dominquez Ln	
Dos Hermanos	
E Gateway Dr	
E Prince Rd	
Elk Horn Rd	
Elm St	
Fair Way	
Fairly Rd	
Fields Ln	
Geo Ln	
Gooney Bird Way	
Grandpas Ranch Rd	
Green Way	
Gunnison Rd	
Hernandez Ln	
Hickory St	
Highland Way	
Jaguar Lp	
Jaramillo Ln	
Jardin Ln	
Jon Kim Ln	
Kachina Lp	
Kates Way	

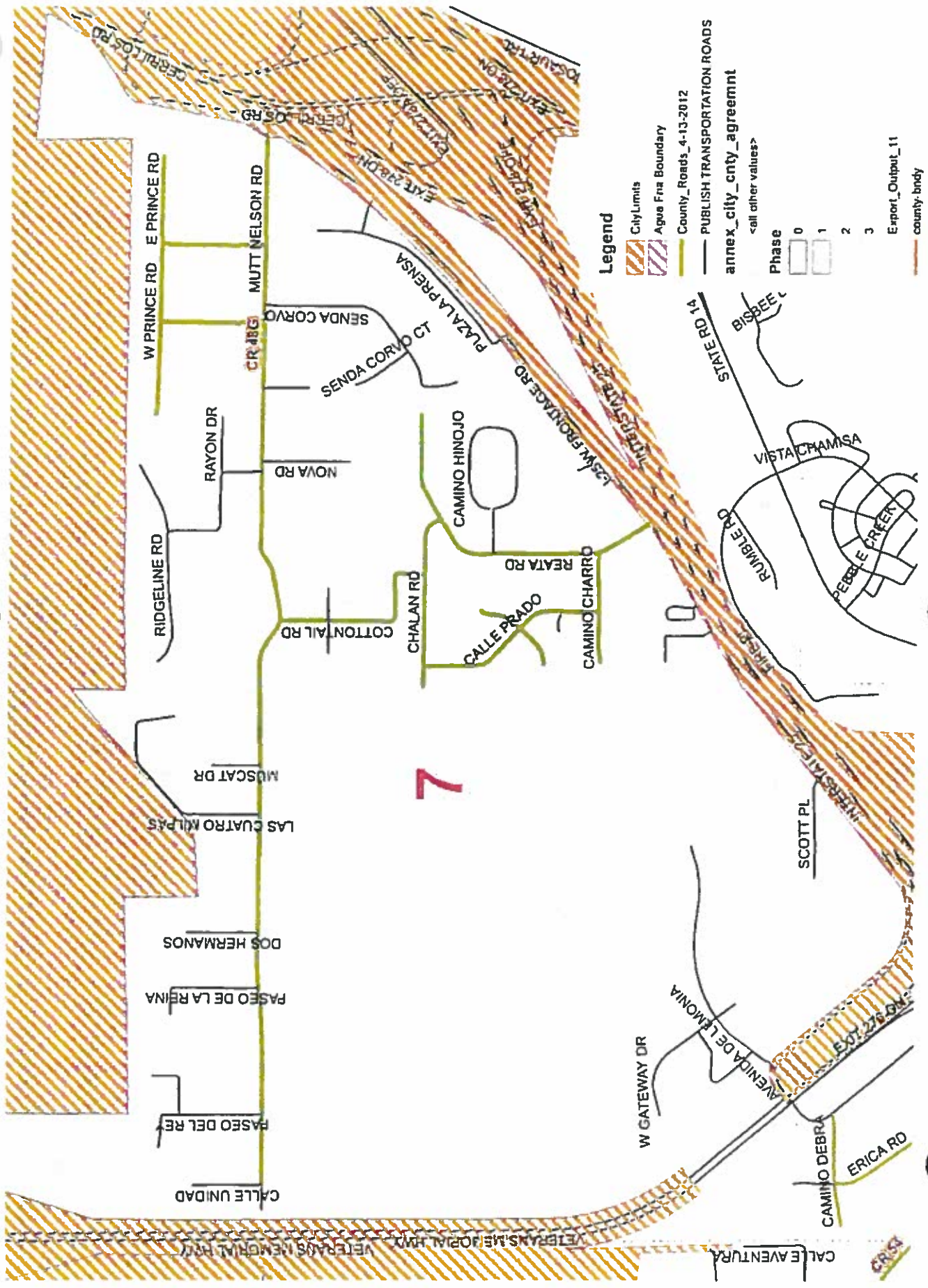
## Exhibit A

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	

## Exhibit A

ROUTE NAME	ROUTE NUMBER
Rayon Dr	
Rays Corner	
Redwood St	
Ridgeline Dr	
Rivera Cir	
Rivera Ln	
Riverside Lp	
Roadrunner Ct	
Roadrunner Ln	
Rosewood St	
Sagebrush Rd	
Sandy Creek Rd	
Santa Fe Rd	
Santeros Rd	
Saratoga In	
Scott Pl	
Senda Corvo	
Senda Corvo Ct	
Siler Rd	
Sin Pena Park	
Snow Blossom Rd	
South Meadows Road	
Sundance St	
Sunchine Way	
Sycamore Lp	
Tobasco Ln	
Thomas Ct	
Thomas Rd	
Vereda De Valencia	
Vicente Leyba	
Village Way	
Vista De Cristo	
Vista Del Norte	
Vuelta Real	
Vuelta Ventura	
W Gateway Dr	
W Prince Rd	
Walnut St	
Willy Rd	
Wolfcreek Rd	
Yucatan	

CLERK RECORDED &lt;55/25/2513&gt;



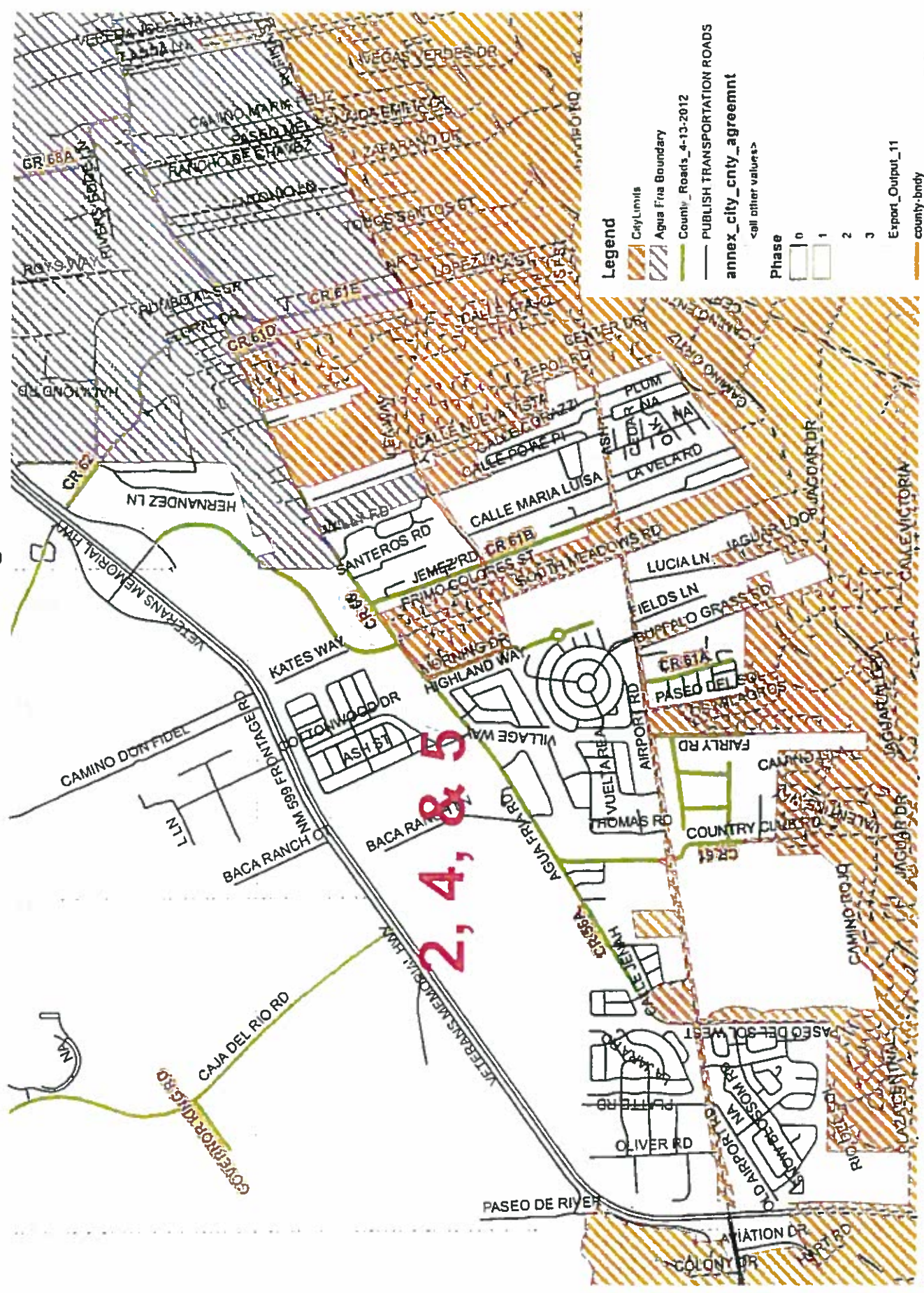
**Legend**

- City Limits
- Agua Fria Boundary
- County\_Roads\_4-13-2012
- PUBLISH TRANSPORTATION ROADS
- annex\_city\_cnty\_agreement
- <all other values>
- Phase
- 0
- 1
- 2
- 3
- Export\_Output\_11
- county\_bndy



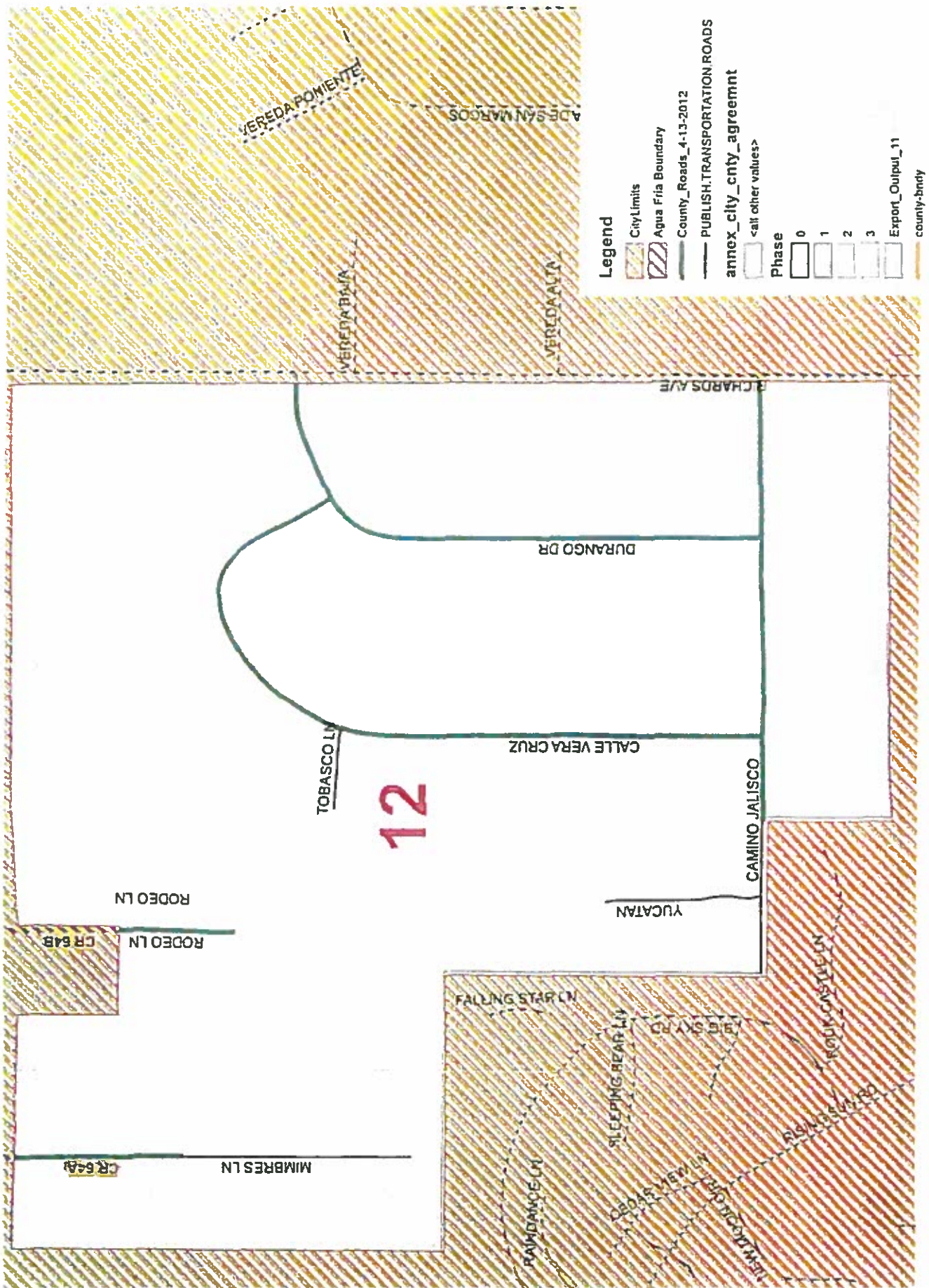


Exhibit A-Page 2



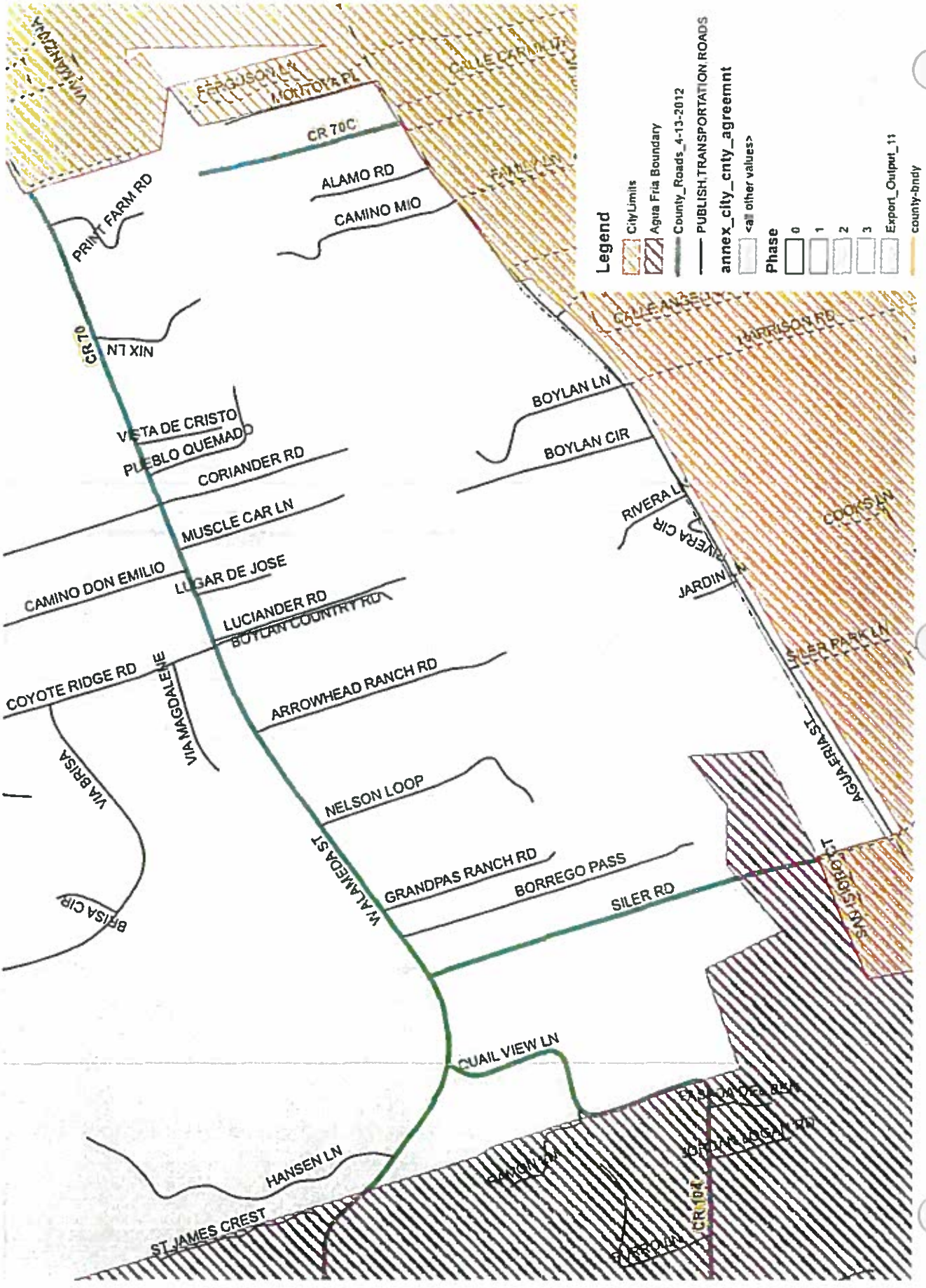


**Exhibit A-Page 3**





# Exhibit A-Page 4



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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<sup>th</sup> DAY OF May 2014.

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

  
Daniel W. Mayfield, Chair



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDINANCE  
PAGES: 2

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

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

ATTEST:

Geraldine Salazar  
Geraldine Salazar  
Santa Fe County Clerk

5-27-2014

APPROVED AS TO FORM:

Gregory S. Shaffer  
Gregory S. Shaffer, County Attorney



REC CLERK RECORDED 05/28/2014

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

ORDINANCE NO. 2012 - 7

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:**

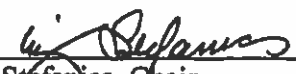
Section 13(A)(4) (Schedule of Residential Solid Waste Permit Fees for Residents  
Outside of Incorporated Areas) is amended to indefinitely suspend fee increases for  
residents outside of incorporate areas for twenty-four trip permits for FY 13 and  
thereafter.

**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 MAY, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

  
\_\_\_\_\_  
Liz Stefanics, Chair

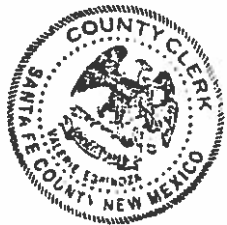
SFC CLERK RECORDED 05/30/2012

ATTEST:

*Valerie Espinoza*  
Valerie Espinoza  
Santa Fe County Clerk

APPROVED AS TO FORM:

*Stephen C. Ross*  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDINANCE  
PAGES: 2

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

Deputy *Marcello Alvarado* Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

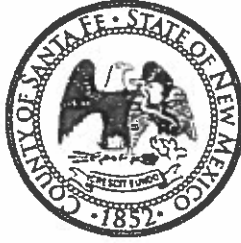




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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:** October 15, 2014

**To:** Board of County Commissioners

**From:** Steven Brugger, Affordable Housing Administrator *sf*

**Via:** Katherine Miller, County Manager  
Gregory S. Shaffer, County Attorney  
Penny Ellis-Green, Growth Management Director  
Robert Griego, Planning Manager

**Re:** Request Approval of Ordinance No. 2014 - \_\_\_\_\_. "An Ordinance Amending Ordinance No. 2011-3 Pertaining to Affordable Housing Roof Repair or Replacement and Renovation" (Public Hearing and Possible Action)

---

**Issue.** Staff requests approval of Ordinance No. 2014 - \_\_\_\_\_. "An Ordinance Amending Ordinance No. 2011-3 Pertaining to Affordable Housing Roof Repair or Replacement and Renovation".

**Background.** At its September 30, 2014 meeting, the BCC approved the staff request to publish title and general summary for this proposed Ordinance. The notice of public hearing was published in the Albuquerque Journal 15 days before the October 28 BCC hearing date. This is a request to make three changes to Ordinance 2011-3, the ordinance which enables the "Happy Roofs" roof repair and replacement program. The requested changes are limited: 1) change maximum limit of assistance from \$10,000 to \$14,999; 2) increase Affordability periods from 5 to 10 years for assistance up to \$14,999; 3) limit eligibility only to low income households at or below 80% of Area Median Income, rather than including moderate income households at or below 120% of Area Median Income.

The rationale for change (1) is that the cost of roof replacements are routinely going over \$10,000 and our typical recipient has no additional disposable income to pay or borrow the difference. The last five low bids that have come in on roof replacements for homes in Chimayo, Glorieta, El Dorado have ranged from \$11,850 to \$13,425, including gross receipts tax. Unless the existing limit of \$10,000 is raised, work on these jobs will not be able to proceed.

The rationale for change (2) is that in return for a greater amount of assistance, it is logical to extend the term of our deferred payment loan beyond the MFA minimum of 5 years, which does not pose a problem for long term residents. At present, the deferred payment loan is forgiven at the end of 5 years.

The rationale for change (3) is to focus limited resource use on those households in the greatest need, which would be low income households.

The attached draft ordinance has been reviewed and approved by both the County Attorney's office and legal counsel for the NM Mortgage Finance Authority.

**Recommendation.** Approve the proposed Ordinance.

**Attachments**

Attachment A:	Draft Ordinance
Attachment B:	NM Mortgage Finance Authority approval letter
Attachment C:	Ordinance 2011-3
Attachment D:	FY2014 Income Limits for Santa Fe County
Attachment E:	Fiscal Impact Report



**THE BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO**

**ORDINANCE NO. 2014-**

---

**AN ORDINANCE AMENDING ORDINANCE NO. 2011-3 PERTAINING TO  
AFFORDABLE HOUSING ROOF REPAIR OR REPLACEMENT AND RENOVATION**

---

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY** that Ordinance 2011-3 is amended as follows:

**Section One.** Section Four, Subsection P is deleted in its entirety.

**Section Two.** Section Five, Subsection C is deleted and replaced with the following:

“C. A roof repair or replacement Housing Assistance Grant shall not exceed the sum of fourteen thousand nine hundred ninety-nine dollars (\$14,999). The amount of the Assistance shall be determined by the Administrator.”

**Section Three.** Section Five, Subsection M is deleted and replaced with the following:

“M. In compliance with the Affordable Housing Act rules, the long-term Affordability Period for Housing Assistance Grants awarded for roof repair or replacement under this Ordinance (\$1 to \$14,999) shall be for a period of ten years”.

**Section Four.** Section Seven, Subsection H is deleted and replaced with the following:

“In compliance with Affordable Housing Act rules, the long-term Affordability Period for Housing Assistance Grants awarded under this Ordinance shall be as follows:

- (1) \$1 to \$14,999 shall be for ten (10) years;
- (2) \$15,000 to \$39,999 shall be for fifteen (15) years;
- (3) \$40,000 to \$100,000 shall be for twenty (20) years;
- (4) \$100,001 or greater shall be for twenty-five (25) years.”

**Section Five.** The phrases “to moderate” and “or moderate” are hereby deleted from: Section Two, Section Four, Subsections B, Q(1), Q(2)(ii), Q(2)(iii), and R; Section Five, Subsections B(2) and I; Section Seven, Subsections B(2), C(2), and F; and Section Eight, Subsections B(1) and B(6).

**Section Six.** All other provisions of Ordinance 2011-3 not herein amended shall remain in full force and effect.

**PASSED, APPROVED, and ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2014 by the Board of County Commissioners of Santa Fe County.

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

\_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney



**MFA** | *Housing New Mexico*

September 16, 2014

Steven Brugger, AICP  
Affordable Housing Administrator  
Santa Fe County  
102 Grant Avenue  
Santa Fe, NM 87504

Re: Ordinance No. 2014- : An Ordinance Amending Ordinance No. 2011-3 Pertaining To  
Affordable Housing Roof Repair Or Replacement And Renovation

Dear Mr. Brugger:

The New Mexico Mortgage Finance Authority (MFA), in accordance with the Affordable Housing Act (Section 62-7-1 NMSA 1978 et. seq.) ("Act"), and the Affordable Housing Act Rules ("Rules") adopted thereto, has reviewed the proposed Ordinance No. 2014- , more fully described above, as submitted by Santa Fe County. MFA has determined that the proposed Ordinance is in compliance with the requirements set out in the Act and the Rules.

Pursuant to the Rules, Santa Fe County should provide MFA with a certification that the proposed Ordinance was passed by the Santa Fe County Commission.

Thank you for the County's continued efforts to provide affordable housing for Santa Fe County residents. Please feel free to contact me if you have any questions.

Sincerely,

Marjorie A. Martin  
MFA Attorney



## SANTA FE COUNTY, NEW MEXICO

ORDINANCE NO. 2011- 3

AN ORDINANCE AUTHORIZING SANTA FE COUNTY TO PROVIDE HOUSING ASSISTANCE GRANTS FOR REPAIR OR REPLACEMENT OF AN EXISTING ROOF AND RENOVATION PURSUANT TO ARTICLE IX SECTION 14 OF THE NEW MEXICO CONSTITUTION AND THE NEW MEXICO AFFORDABLE HOUSING ACT, ESTABLISHING ELIGIBILITY CRITERIA, AN APPLICATION PROCESS, AND CALLING FOR THE DEVELOPMENT OF REGULATIONS IMPLEMENTING THE ORDINANCE

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

**Section One. Short Title:** This Ordinance may be cited as the "Affordable Housing Roof Repair or Replacement and Renovation Ordinance;" also known as the Happy Roofs Program.

**Section Two. Statutory Authority:** This Ordinance is enacted under the authority of Subsection E and F of Section 14 of Article IX of the New Mexico Constitution, the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978 *et seq.*, the New Mexico Mortgage Finance Authority Affordable Housing Act Rules and is consistent with the rehabilitation and energy efficiency initiatives included in the Santa Fe County Affordable Housing Plan 2009 and the Santa Fe County Sustainable Growth Management Plan (SGMP) to address substandard housing conditions and infrastructure for programs that address special housing needs, including services for seniors, of low to moderate income Persons or Households within Santa Fe County.

**Section Three. Scope:** This Ordinance shall apply within the unincorporated areas of Santa Fe County.

**Section Four. Definitions:**

- A. "Administrator" means the Affordable Housing Administrator.
- B. "Affordable Housing" means residential housing primarily for Persons and Households of Low or Moderate Income.
- C. "Affordable Housing Fund" means the fund established in Ordinance 2006-02 whose sole purpose is to support Affordable Housing within Santa Fe County.
- D. "Affordability Period" means the duration of the Affordability Period, which shall comply with the long-term affordability restriction requirements of the New Mexico Mortgage Finance Authority Affordable Housing Act Rules.
- E. "Applicant" means an individual who applies for assistance to repair or replace an existing roof or to renovate existing Infrastructure, single-family residence or multi-family housing projects.

F. "Area Median Income" (AMI) means the median income for the Santa Fe Metropolitan Statistical Area as adjusted for various household sizes and published and revised periodically by the U.S. Department of Housing and Urban Development (HUD).

G. "Assistance" is a Housing Assistance Grant issued under authority of this Ordinance

H. "Final Inspection Report" means a report certifying that the repaired or replaced roof has passed inspection by the State of New Mexico Construction Industries Division and meets the requirements defined in the Regulations. The final inspection report shall be prepared by the county, the county's designee, or a contractor to the federal weatherization assistance program.

I. "Housing Assistance Grant" means the donation, provision, or payment by the County of:

- (1) the cost of repair or replacement of an existing roof; or
- (2) the cost of renovating an existing building or Infrastructure.

J. "Infrastructure" means Infrastructure Improvement and Infrastructure Purpose.

K. Infrastructure Improvement" includes, but is not limited to:

- (1) sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
- (2) drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
- (3) water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
- (4) areas for motor vehicle use for road access, ingress, egress and parking;
- (5) trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for road access, ingress, egress and parking;
- (6) parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
- (7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;
- (8) electrical transmission and distribution facilities;
- (9) natural gas distribution facilities;
- (10) lighting systems;
- (11) cable or other telecommunications lines and related equipment;
- (12) traffic control systems and devices, including signals, controls, markings and signs;
- (13) inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; and
- (14) heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property.

L. "Infrastructure Purpose" means:

- (1) renovating or improving existing facilities for Infrastructure, including facilities owned, leased or installed by the owner; and
- (2) incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.

M. "Initial Inspection Report" means a report to verify that the proposed roof repair or replacement roof is necessary as defined in the regulations. The Initial Inspection Report shall be prepared by the county, the county's designee, or a contractor to the federal weatherization assistance program.

N. "Low Income Person or Household" means a person or household whose income does not exceed 80% of the Area Median Income, adjusted for household size.

O. "MFA Rules" means the New Mexico Mortgage Finance Authority Affordable Housing Act Rules adopted by the New Mexico Mortgage Finance Authority's Board of Directors.

P. "Moderate Income Person or Household" means a person or household whose income does not exceed 120% of the Area Median Income, adjusted for household size.

Q. "Qualifying Grantee" means:

- (1) a person of low or moderate income who is qualified to receive assistance pursuant to the Act, MFA Rules, Ordinance 2011-\_\_\_ and is approved by the Administrator or
- (2) a governmental housing agency, regional housing authority, corporation, limited liability company, partnership, joint venture, syndicate, association or a non-profit organization that:
  - (i) is organized under State or local laws and can provide proof of such organization;
  - (ii) if a non-profit organization the primary mission must be to provide housing or housing-related services to Persons of Low or Moderate Income, must have received a 501(c)(3) designation prior to applying and no part of net earnings inure to the benefit of any member, founder, contributor, or individual;
  - (iii) if a non-individual applicant the organization must have a functioning accounting system that is operating in accordance with generally accepted accounting principles or has designated an entity that will maintain such accounting system, have among its purposes significant activities related to providing housing or services to Persons or Households of Low or Moderate Income; and evidence or certification that the applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, or if it has any such findings, it has a certified letter from the County, the MFA, or auditor stating that the findings are in the process of being resolved; and
  - (iv) is approved by the Administrator.

R. "Qualifying Residence" means a single-family residence or multi-family housing project occupied or intended primarily for occupancy by a Person or Household of Low or Moderate Income within the unincorporated areas of Santa Fe County.

S. "The Act" means the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978, *et seq.*

T. "Regulations" means the regulations adopted and amended by the Board of County Commissioners of Santa Fe County to carry out the provisions of the Affordable Housing Roof Repair and Replacement Ordinance.

U. "Relation by blood or marriage within the third degree" includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent.

V. "Renovation" means the substantial renovation or reconstruction of existing Infrastructure, single-family residence or multi-family housing projects.

**Section Five. Roof Repair or Replacement General Provisions:**

A. The Administrator may provide Assistance to a Qualifying Grantee to pay the cost or a portion of the cost of the repair or replacement of an existing roof.

- B. To be eligible to receive Assistance an applicant shall:
- (1) submit a completed application to the Administrator;
  - (2) qualify as a Low or Moderate Income Person or Household;
  - (3) own a Qualifying Residence; and
  - (4) occupy the Qualifying Residence as a primary residence.

C. A roof repair or replacement Housing Assistance Grant shall not exceed the sum of ten-thousand dollars (\$10,000). The amount of the Assistance shall be determined by the Administrator.

D. Prior to approval of Assistance the Administrator must receive, in writing, an Initial Inspection Report.

E. Prior to disbursement of Assistance the Administrator shall receive a Final Inspection Report.

- F. In accordance with the Act, MFA Rules and this Ordinance:
- (1) Assistance shall be secured by a mortgage or lien on the real estate for which the Housing Assistance Grant was issued in the amount of Assistance for the duration of the Affordability Period; and
  - (2) The Qualifying Grantee shall enter into a restrictive covenant agreement to maintain the Qualifying Residence as his/her primary residence for the duration of the Affordability Period.

G. The mortgage or lien shall be in the form prescribed by the county attorney, shall be duly executed and recorded in the office of the Santa Fe County Clerk prior to the



commencement of any work contemplated under this Ordinance and shall contain a provision that the County may, as permitted by law, recover any attorney's fees and costs incurred in enforcing the provisions of the mortgage or lien and restrictive covenant.

H. Assistance issued pursuant to this Ordinance shall be made directly to the person or business that completed the roof repair or replacement.

I. Notwithstanding any other provision of the Ordinance, the property may be transferred subject to the mortgage or lien if the transfer is to a person or family relation who has low or moderate income, as established by MFA and covenants and promises in writing to maintain the property as the transferee's principal residence for the remainder of the Affordability Period and otherwise to comply with and assume all the terms and conditions of the applicable agreement or the transfer is the result of the death of the qualifying grantee and the transfer is by devise or operation of law to the Qualifying Grantees relation by blood or marriage within the third degree, in which case the transfer will cause an immediate termination of the Affordability Period. The Administrator reserves the right to deny approval of a request to assume or transfer the mortgage or lien.

J. No individual may receive more than one Housing Assistance Grant under this Ordinance and no Qualifying Residence may benefit from more than one award of Assistance under this Ordinance.

K. Individuals who have received Affordable Housing Assistance under Santa Fe County Ordinance 2009-14 shall not be eligible for Assistance under this Ordinance.

L. Applicants approved for Assistance will receive certification from the Administrator. The certification shall be valid for six months after which a person shall be required to update the application and be reapproved. The Administrator, in his or her discretion, may request additional information.

M. Pursuant to MFA Rules, the long-term Affordability Period for Housing Assistance Grants awarded for roof repair or replacement under this Ordinance (\$1 to \$10,000) shall be for a period of five years.

#### **Section Six. Roof Repair or Replacement Application Process:**

A. The application shall be made on a form approved by the Administrator. The Administrator, in his or her discretion, may request additional information.

B. If the Administrator determines that the application is complete and the applicant meets the qualifications as defined by this Ordinance and the Regulations, the Administrator may approve the Housing Assistance Grant.

C. The Administrator shall provide a copy of the decision and relevant documents to the applicant and when applicable to a contractor to the federal weatherization assistance program to conform to the New Mexico Mortgage Finance Authority weatherization program.

**Section Seven. Renovation General Provisions:**

- A. The Administrator may provide Assistance to a Qualifying Grantee to pay the cost or a portion of the cost of Renovating an existing Qualifying Residence or Infrastructure.
- B. To be eligible to receive Assistance an applicant shall:
- (1) submit a completed application to the Administrator; and
  - (2) provide proof of eligibility to apply for a Housing Assistance Grant to provide housing or related services to Persons or Households of Low or Moderate Income.
- C. In accordance with the Act, MFA Rules and this Ordinance:
- (1) Assistance shall be secured by a mortgage or lien on the real estate for which the Housing Assistance Grant was issued in the amount of Assistance for the duration of the Affordability Period; and
  - (2) the Qualifying Grantee shall enter into a restrictive covenant agreement to maintain the Qualifying Residence as Affordable Housing or as a facility which provides housing related services to Persons or Households of Low or Moderate Income for the duration of the Affordability Period.
- D. The mortgage or lien shall be in the form prescribed by the county attorney, shall be duly executed and recorded in the office of the Santa Fe County Clerk prior to the commencement of any work contemplated under this Ordinance and shall contain a provision that the County may, as permitted by law, recover any attorney's fees and costs incurred in enforcing the provisions of the mortgage or lien and restrictive covenant.
- E. Assistance issued pursuant to this Ordinance shall be made directly to the person or business that completed the renovation.
- F. Notwithstanding any other provision of the Ordinance, the property may be transferred subject to the mortgage or lien if the transfer is to a person or family relation who has low or moderate income, as established by MFA and covenants in writing to maintain the property as Affordable Housing for the remainder of the Affordability Period and otherwise to comply with and assume all the terms and conditions of the applicable agreement or if a non-individual the entity covenants in writing to maintain the Qualifying Residence as Affordable Housing or as a facility which provides housing related services to Persons of Low or Moderate Income for the duration of the Affordability Period.
- G. Applicants approved for Assistance will receive certification from the Administrator. The certification shall be valid for six months.
- H. Pursuant to MFA Rules, the long-term Affordability Period for Housing Assistance Grants awarded under this Ordinance shall be as follows:
- (1) \$1 to \$14,999 shall be for five (5) years;
  - (2) \$15,000 to \$39,999 shall be for ten (10) years;
  - (3) \$40,000 to \$100,000 shall be for fifteen (15) years; and
  - (4) \$100,001 or greater shall be for twenty (20) years.

## Section Eight. Renovation Application Process:

A. The application shall be made on a form approved by the Administrator. The Administrator, in his or her discretion, may request additional information.

B. The application shall include the following:

- (1) proposal describing the nature and scope of the Renovation proposed by the Applicant, which describes the type and/or amount of assistance which the Applicant proposes to provide to Persons or Households of Low or Moderate Income;
- (2) Executive Summary & Project Narrative(s) that address the evaluation criteria set forth in any RFP issued by the County;
- (3) for non-profit organizations, proof of 501(c)(3) tax status, documentation which confirms that no part of its net earnings inures to the benefit of any member, founder, contributor or individual;
- (4) current annual budget for the Applicant, including all sources and uses of funds not just those related to relevant programs and/or a current annual budget only for the program for which the Applicant is applying for a Housing Assistance Grant, or as otherwise may be required by the County in its discretion;
- (5) proposed budget for the Renovation for which the Applicant is applying for a Housing Assistance Grant;
- (6) mission statement that has among its purposes significant activities related to providing housing or housing-related services to Persons or Households of Low or Moderate Income;
- (7) list of current board members, including designated homeless participation, where required by the County;
- (8) current independent financial audit;
- (9) evidence or a certification that the Applicant has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has a designated entity that will maintain such an accounting system;
- (10) evidence or certification that the Applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit; or if it has any significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, it has a certified letter from the County, the MFA, or the auditor stating that the findings are in the process of being resolved;
- (11) organizational chart, including job titles and qualifications for the Applicant's employees or as otherwise may be required by the County in its discretion (job descriptions may be submitted as appropriate);
- (12) documentation that the Applicant is duly organized in accordance with State or local law and is in good standing with any state authorities such as the Public Regulation Commission (e.g. Articles, Bylaws, and Certificate of Good Standing for a Corporation; Articles, Operating Agreement, and Certificate of Good Standing for a Limited Liability Company; partnership agreement and certificate of limited partnership for a partnership);
- (13) certification signed by the Chief Executive Officer, Board President or other authorized official of the Applicant;
- (14) evidence to prove the financial and management stability of the Applicant;
- and
- (15) evidence that demonstrates commitment of the Applicant to the community;

C. The information provided must clearly evidence the need for the subsidy, that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or to the purported beneficiaries of the project, consistent with the provisions of the Act.

D. The County may require that the Applicant provide proof of substantive or matching funds or contributions and/or in-kind donations to the proposed Renovation in connection with the Application for funds under the Act. Nothing contained herein shall prevent or preclude an Applicant from matching or using local, private, or federal funds in connection with a specific Housing Assistance Grant under the Act.

E. Applicant shall provide the County with any certifications or other proof which it may require in order for the County to confirm that the Applicant is in compliance with all applicable federal, state and local laws, rules and ordinances.

F. For Applicants who are submitting Applications in connection with a Multi-Family Housing Project, the following additional information is required:

- (1) A verified certificate that, among other things:
  - (i) identifies every Multi-Family Housing Program, including every assisted or insured project of HUD, RHS, FHA and any other state or local government housing finance agency in which Applicant has been or is a principal;
  - (ii) except as shown on such certificate, states that
    - (I) no mortgage on a project listed on such certificate has ever been in default, assigned to the United States government or foreclosed, nor has any mortgage relief by the mortgagee been given;
    - (II) there has not been a suspension or termination of payments under any HUD assistance contract in which the Applicant has had a legal or beneficial interest;
    - (III) such Applicant has not been suspended, debarred or otherwise restricted by any department or agency of the federal government or any state government from doing business with such department or agency because of misconduct or alleged misconduct; and
    - (IV) the Applicant has not defaulted on an obligation covered by a surety or performance bond.

If such Applicant cannot certify to each of the above, such Applicant shall submit a signed statement to explain the facts and circumstances which such Applicant believes will explain the lack of certification. The County may then determine if such Applicant is or is not qualified.

(2) the experience of the Applicant in developing, financing and managing Multiple-Family Housing Projects.

(3) whether the Applicant has been found by the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Commission to be in noncompliance with any applicable civil rights laws.

G. All Applications shall contain a verification signed by the Applicant before a notary public that the information provided, upon penalty of perjury, is true and correct to the best of the Applicant's information, knowledge, and belief.

H. If the Administrator determines that the application is complete and the applicant meets the qualifications as defined by this Ordinance and the Regulations, the Administrator may approve the Housing Assistance Grant.

**Section Nine. Regulations:**

A. The Affordable Housing Roof Repair or Replacement and Renovation Regulations shall be adopted and amended by resolution of the Board of County Commissioners.

B. The Regulations shall include the following:

(1) application requirements to ensure that a Qualifying Grantee meets the requirements of the Act, this Ordinance and the Regulations promulgated pursuant to the Ordinance at the time of the award;

(2) a form application;

(3) the requirements for verification of an applicant's income level;

(4) procedures to review and process an application for Assistance;

(5) the process and requirements for an initial inspection prior to approval of a Housing Assistance Grant;

(6) timetable for reviewing and awarding a Housing Assistance Grant;

(7) certificate of approval and Qualifying Grantee's acceptance form; and

(8) the process and requirements for a final inspection prior to disbursement of a Housing Assistance Grant.

**Section Ten. Affordable Housing Fund, Limitations and Administration:**

A. Proceeds from the Affordable Housing Fund may be used to make the awards permitted pursuant to this Ordinance.

B. Assistance pursuant to this Ordinance shall be subject to the availability of funds budgeted by the Board of County Commissioners for the purpose of providing awards pursuant to this Ordinance.

C. The Affordable Housing Administrator shall administer the Affordable Housing Roof Repair and Replacement Ordinance.

D. Pursuant to Section 6-27-7 NMSA 1978 and MFA Rules Section 4, this Ordinance and any amendments of this Ordinance, along with other required documentation, shall be submitted to MFA for review no less than forty-five days prior to enactment to ensure compliance with the Act, MFA Rules and the Santa Fe County Affordable Housing Plan 2009 and the Santa Fe County Sustainable Growth Management Plan (SGMP).

**Section Eleven. Affordable Housing Roof Repair or Replacement and Renovation Ordinance Review:** The Board of County Commissioners shall review and may consider appropriate amendments to this Ordinance or may repeal this Ordinance in whole or in part.

**Section Twelve. Severability:** The provisions of this Ordinance are severable and if any individual provision of this Ordinance is held invalid by a Court of competent jurisdiction, then

the offending provision shall be stricken but the remaining provisions shall remain in full force and effect.


**Section Thirteen.**     **Effective Date:** This Ordinance shall become effective thirty days after recordation pursuant to Section 4-37-1 NMSA 1978 et seq.

PASSED AND ENACTED THIS 31 DAY OF May, 2011.

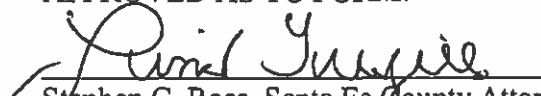
THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY, NEW MEXICO

By   
Virginia Vigil, Chair

ATTEST:

  
Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:

  
Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE     )  
STATE OF NEW MEXICO     ) ss

BCC ORDINANCE  
PAGES: 10

I Hereby Certify That This Instrument Was Filed for  
Record On The 1ST Day Of June, 2011 at 04:11:45 PM  
And Was Duly Recorded as Instrument # 1636401  
Of The Records Of Santa Fe County

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

D

AMI Income Limits by county

FY2014 Income Limits Effective Date: 12/18/2013

**Santa Fe MSA, New Mexico. Includes Santa Fe County only.**

FY 2014 Income Limit Area	FY 2014 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Santa Fe County	200%	\$31,500	\$104,500	\$117,600	\$130,600	\$141,100	\$151,600	\$182,000	\$172,500
	150%	\$28,650	\$78,400	\$88,200	\$97,850	\$105,850	\$113,700	\$121,500	\$129,400
	120%	\$24,900	\$62,700	\$70,550	\$78,350	\$84,650	\$90,950	\$97,200	\$103,500
	115%	\$22,600	\$60,100	\$67,800	\$75,100	\$81,150	\$87,150	\$93,150	\$99,200
	100%	\$45,750	\$52,250	\$58,800	\$65,300	\$70,550	\$75,800	\$81,000	\$86,250
	80%	\$36,600	\$41,600	\$47,050	\$52,250	\$56,450	\$60,650	\$64,800	\$69,000
	75%	\$34,300	\$39,200	\$44,100	\$49,000	\$52,800	\$56,650	\$60,750	\$64,700
	70%	\$32,000	\$36,600	\$41,150	\$45,700	\$49,400	\$53,050	\$56,700	\$60,350
	65%	\$29,750	\$33,950	\$38,200	\$42,450	\$45,850	\$49,250	\$52,850	\$56,050
	60%	\$27,450	\$31,350	\$35,300	\$39,200	\$42,350	\$45,500	\$48,600	\$51,750
	50%	\$22,900	\$28,150	\$29,400	\$32,650	\$35,300	\$37,900	\$40,500	\$43,150

**Albuquerque MSA, New Mexico. Includes Bernalillo, Sandoval, Torrance and Valencia Counties. Rio Rancho is in Sandoval County.**

FY 2014 Income Limit Area	FY 2014 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
	150%	\$62,850	\$71,850	\$80,850	\$89,700	\$97,000	\$104,200	\$111,300	\$118,500
	120%	\$50,300	\$57,500	\$64,700	\$71,750	\$77,600	\$83,350	\$89,050	\$94,800
	115%	\$48,200	\$55,100	\$62,000	\$68,750	\$74,350	\$79,850	\$85,350	\$90,850
	100%	\$41,900	\$47,900	\$53,900	\$59,800	\$64,650	\$69,450	\$74,200	\$79,000
	80%	\$33,500	\$38,300	\$43,100	\$47,850	\$51,700	\$55,550	\$59,350	\$63,200
	70%	\$29,350	\$33,550	\$37,750	\$41,850	\$45,250	\$48,600	\$51,950	\$55,300
	65%	\$27,250	\$31,150	\$35,050	\$38,850	\$42,000	\$45,150	\$48,250	\$51,350
	60%	\$20,950	\$23,950	\$26,950	\$29,900	\$32,350	\$34,750	\$37,100	\$39,500





## SANTA FE COUNTY FISCAL IMPACT REPORT (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed ordinance or resolution as to its direct impact upon the County's operating budget and is intended for use by staff of the Human Resources and Finance Divisions, the County Manager and the governing body of Santa Fe County. Ordinances/resolutions with a fiscal impact must be reviewed by the Finance Division Director or the Budget Administrator. Ordinances/resolutions with proposed staffing increases must be reviewed and approved by the Human Resources staff and approved by the County Manager before presentation to the Board of County Commissioners (BCC). Please refer to the instructions on how to complete this form.

### Section A. General Information

☒ Ordinance ☐ Resolution ☐ Other

A single FIR may be used for related ordinances and/or resolutions

Short Title(s): Ordinance Amending Ordinance 2011-3 Roof Replacement  
Reviewing Division(s): Growth Management  
Person Completing FIR: Steven Brugger  
Date: 9/17/2014 Phone: 505.992.6752

### Section B. Summary

Briefly explain the purpose and major provisions of the ordinance/resolution.

Increase maximum assistance from \$10,000 to \$14,999. Increase Affordability periods for the deferred payment loan from 5 to 10 years. Limit eligibility to low income households, rather than including moderate income households with incomes at or below 120% OF Area Median Income.

### Section C. Fiscal Impact

NOTE: Financial information on this FIR does not directly translate into a Santa Fe County budget increase.

- The item must be presented to the Finance Division for analysis and recommendation as a potential request to increase the existing budget for the county.
- Detailed budget information must be included, such as funding source, amounts and justification.
- Detailed salary and benefit for new full-time equivalents (FTE's) must be included. The request must be approved by the staff of the Human Resources Division for each new FTE request.

#### 1. Projected Expenditures:

- Indicate Fiscal Year(s) affected – the current fiscal year and the following three fiscal years, where applicable
- Indicate "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- Indicate "R" if recurring annual costs  
Indicate "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- Attach additional projection schedules if four years does not adequately project revenue and costs patterns
- Costs may be netted or show as an offset if some cost savings are projected (please explain further in Section 3 Narrative)
- Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.
- This form allows for information related to two fiscal years. Please note info relation to other fiscal years in narrative 3.

Exp. Classification	FY 15	"A" or "N"	"R" or "NR"	FY 16	"A" or "N"	"R" or "NR"	Funds affected
Salary and Benefits		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Select or type...
Maintenance		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Select or type...
Other Operating		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Select or type...
Contractual Services	\$60,000	A	R	\$60,000	A	R	Special Revenue
Capital Requirements		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Select or type...

Total \$60,000 \$60,000

\*Any indication that additional staffing would be required must be reviewed and approved in advance by the County Manager by attached memo before release of FIR to the Board of County Commissioners (BCC).

\*\* For salary and benefit information contact the Finance Division, or attach the New FTE Request form to provide necessary information.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in Item 1.
- Please provide additional fiscal impact information for years 3 and 4 in the Expenditure/Revenue Narrative.

Type of Revenue	FY 2015	"R" or "NR"	FY 2016	"R" or "NR"	Funds Affected
General	\$60,000	NR <input checked="" type="checkbox"/>	\$60,000	NR <input checked="" type="checkbox"/>	Special Revenue <input checked="" type="checkbox"/>
Total	\$60,000		\$60,000		

☒ Insert Item

## 3. Expenditure/Revenue Narrative:

Explain expenditures, grant match requirements, justify salary and benefit costs for new FTE request, detail capital and operating uses, etc. Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. (Attach supplemental page, if necessary). Also, provide expanded information for fiscal year three and four impact for both revenue and expenditures.

Raising the maximum limit of assistance from by \$5,000 from \$10,000 to \$14,999 could potentially increase expenditures by \$60,000 per year, assuming that 12 roof repair jobs are performed per year and that the maximum allowed is the actual cost of the job. In reality, the fiscal impact should be less than this amount. The funds would be taken from affordable housing fund monies, not the general fund. It is reasonable to assume that this fiscal impact would extend into fiscal year three and four.

## Section D. General Narrative

### 1. Conflicts:

Does this proposed ordinance/resolution duplicate/conflict with/companion to/relate to any County code, approved ordinance or resolution, other adopted policies and legislation? Include details of county adopted ordinances/resolutions and dates. Summarize the relationships, conflicts or overlaps.

This ordinance is an amendment to existing Ordinance 2011-3, which enables the Happy Roofs program. It does not conflict with this Ordinance but rather would make the program more

### 2. Consequences of Not Enacting This Ordinance/Resolution:

Are there consequences of not enacting this ordinance/resolution? If so, describe.

The program would not be fully utilized given that typical costs for roof replacements are now coming in over \$10,000. Typical clients are low income and do not have the capacity to pay the difference between the bid amount and the current program limit of \$10,000.

### 3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

N/A

### 4. Community Impact:

Briefly describe the major positive or negative effects the ordinance/resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The proposed amendment would enable the program to be more fully utilized, would better safeguard County resources and would focus the program on lower income households.

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**THE BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO**

**ORDINANCE NO. 2014-**

---

**AN ORDINANCE AMENDING ORDINANCE NO. 2011-3 PERTAINING TO AFFORDABLE HOUSING  
ROOF REPAIR OR REPLACEMENT AND RENOVATION**

---

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY** that Ordinance 2011-3 is amended as follows:

**Section One.** Section Four, Subsection P is deleted in its entirety.

**Section Two.** Section Five, Subsection C is deleted and replaced with the following:

“C. A roof repair or replacement Housing Assistance Grant shall not exceed the sum of fourteen thousand nine hundred ninety-nine dollars (\$14,999). The amount of the Assistance shall be determined by the Administrator.”

**Section Three.** Section Five, Subsection M is deleted and replaced with the following:

“M. In compliance with the Affordable Housing Act rules, the long-term Affordability Period for Housing Assistance Grants awarded for roof repair or replacement under this Ordinance (\$1 to \$14,999) shall be for a period of ten years”.

**Section Four.** Section Seven, Subsection H is deleted and replaced with the following:

“In compliance with Affordable Housing Act rules, the long-term Affordability Period for Housing Assistance Grants awarded under this Ordinance shall be as follows:

- (1) \$1 to \$14,999 shall be for ten (10) years;
- (2) \$15,000 to \$39,999 shall be for fifteen (15) years;
- (3) \$40,000 to \$100,000 shall be for twenty (20) years;
- (4) \$100,001 or greater shall be for twenty-five (25) years.”

**Section Five.** The phrases “to moderate” and “or moderate” are hereby deleted from: Section Two, Section Four, Subsections B, Q(1), Q(2)(ii), Q(2)(iii), and R; Section Five, Subsections B(2) and I; Section Seven, Subsections B(2), C(2), and F; and Section Eight, Subsections B(1) and B(6).



**Section Six.** All other provisions of Ordinance 2011-3 not herein amended shall remain in full force and effect.

**PASSED, APPROVED, and ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the Board of County Commissioners of Santa Fe County.

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

\_\_\_\_\_  
Daniel W. Mayfield, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney





