

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2009-13

AN ORDINANCE AMENDING ORDINANCE NO. 2005-5 TO INCREASE
SOLID WASTE PERMIT FEES, EXTENDING COVERAGE
AND MAKING CLARIFYING CHANGES

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

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 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.

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

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

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

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

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

"Caretaker" means a solid waste facility attendant.

"Clean Fill" means broken concrete and asphalt pavement pieces not larger than 18"x12"x 6", brick, stone, rock, and uncontaminated soil. Clean Fill must be free of other Solid Wastes or Hazardous Waste, and the use of this material must not create a public nuisance or adversely affect the environment in which it is placed.

"Clean Woodwaste" means pallets, unpainted and untreaded scrap wood, and carpenter trimmings that do not exceed 6 feet in length or 2.5 -feet in width. Clean Woodwaste does not include construction and demolition wood with attached wallboard, large amounts of nails, paint, metal bracing, or Brush and Tree waste.

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

"Commercial Solid Waste Contractor" means any person 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 their 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

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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.

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"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.

"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

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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 NMAC 9.1 (706). 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 NMAC 9.1 700-711; (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.

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"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 on or dwelling or structure in which they reside or conduct their 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 A 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

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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 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.

Section 9. Collection of Solid Waste

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(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	Avenida Del Sur	Rancho Viejo

Section 12. Enforcement and Penalty Schedules

(G) Schedule of Penalties

Section Violated	1st Offense	2nd Offense	3rd 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 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	Written warning, assessment of one (1)	Upon conviction after issuance of a citation,	Upon conviction after issuance of a citation,

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	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.	the criminal penalty shall be a fine of not less than \$50.00.	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 used 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 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.
11(G) – Hazardous Wastes	Confiscation of permit and permanent loss of privilege to use Transfer Stations. If citation is issued	Same as first offense.	Same as first offense.

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	<p>and person charged is 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. State Law.</p>		
11(H) – Misuse of Recycling Bins/Areas	<p>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.</p>	<p>Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100.</p>	<p>Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.</p>
11(I) – Scavenging	<p>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.</p>	<p>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.</p>	<p>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.</p>
11(J) – Interference with Caretakers	<p>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.</p>	<p>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 Stations for not less than one (1) year.</p>	<p>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.</p>
11(K) – Required Recycling	<p>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.</p>	<p>Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$50.00 nor more than \$100.</p>	<p>Upon conviction after issuance of a citation, the criminal penalty shall be a fine of not less than \$75.00 nor more than \$200.</p>

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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, 10 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, 10 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 Permits: 4 Trip Permit for \$40.00 and 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	Lost/Stolen Permit Replacement Fee
24 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> Four (4) tires 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</p>	24	\$55.00	2	\$15.00

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	hereunder.				
10-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>	10	\$35.00	2	\$15.00

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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	N/A
Recycling Admission Permits	Recyclable Materials Only. Recycling Admission	Unlimited use for year	\$Free	Unlimited	N/A

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

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

4 Trip Permit	Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules, regulations, and policies promulgated hereunder, including the policies of individual Transfer Stations. Special Charges:	4	\$40.00	2	\$15.00
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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>				
1 Trip Permit	<p>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>Special Charges:</p> <p>Four (4) tires will be (1) additional Trip.</p>	1	\$15.00	Unlimited	N/A

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	Additional Trips will be charged in accordance with the schedules and definitions set forth elsewhere in this Ordinance or in rules, regulations, and policies promulgated hereunder.				
Recycling Admission Permits	Recyclable Materials Only. Recycling Admission Permits will not be punched for recycling deliveries.	Unlimited Use for Year	Free	Unlimited	N/A

(6) The Board of County Commissioners may authorize a low-income and/or senior citizen credit for Residential Solid Waste Permits. To qualify for the low-income credit, the County Resident must have an annualized gross income that is at or below eighty percent of the area median family income for the County, as determined from time to time by the US Department of Housing and Urban Development. 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	Lost/Stolen Permit Replacement Fee
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, including the policies of individual	10	\$100.00	2	\$30

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	<p>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>				
Billable Accounts	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
5 Trip	All Solid Waste and all sorted Recyclable Materials, subject to the restrictions of this Ordinance and all rules, regulations, and policies	5	\$60.00	2	\$30.00

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	<p>promulgated 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>				
Billable Accounts	<p>Bagged commercial refuse, all sorted recyclable materials, scrap metal, as specified in the approved application.</p>	<p>By actual or typical load weight, depending upon whether Transfer Station has scales or not.</p>	<p>\$50.00 Ton \$.025 per pound</p>	N/A	N/A

Section 17. Partial Repeal of Santa Fe County Ordinance 2005-5.

Sections 2, 4, 6(A), 9(A), 12 (G), 13A of Ordinance 2005-5 shall be and hereby are repealed with the amendatory language provided in this Ordinance.

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PASSED, APPROVED AND ENACTED this 10 day of November, 2009, by the Board of County Commissioners of Santa Fe County.

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

By: *Mike Anaya*
Mike Anaya, Chair

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
I Hereby Certify That This Instrument Was Filed for
Record On The 12TH Day Of November, 2009 at 03:22:03 PM
And Was Duly Recorded as Instrument # 1582978
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy County Clerk, Santa Fe, NM

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