

SANTA FE COUNTY ORDINANCE No. 1981-3

REFUSE CONTROL AND ANTI- LITTER ORDINANCE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SANTA FE, NEW MEXICO: It hereby adopts an ordinance establishing a County system for the regulation and collection and disposal of refuse; prohibiting the throwing or depositing of litter in the County; regulating the distribution of handbills, prescribing general controls and regulations concerning litter and prescribing for violation thereof.

SECTION 1. SHORT TITLE. This Ordinance may be cited as the "REFUSE CONTROL AND ANTI-LITTER ORDINANCE."

SECTION 2. DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Aircraft" is any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. The word "Aircraft" shall include helicopters, and lighter-than-air dirigibles and balloons.
- B. "Ashes" is the residue from burning wood, coal, coke, or other combustible materials.
- C. "Authorized Private Receptacles" is a litter storage and collection receptacles as required and authorized herein.
- D. "Commercial Handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:
 - (1)...Which advertises for sale any merchandise, product, or commodity or thing; of
 - (2)...which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose

of either directly or indirectly promoting the interest thereof by sales; or

(3)...which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; of

(4)...which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for private benefit and gain of any person so engaged as advertiser or distributor.

(5)...Newspaper as defined herein is not to be construed to be included within the definition of "commercial handbill".

- E. "County" shall include the area within the boundaries of the County of Santa Fe, including privately owned land or land owned by the United States, except the area within the limits of any incorporated municipality.
- F. "County Manager" is the County Manager of Santa Fe County or his designated representative.
- G. "Garbage" is putrescible animal and vegetable wastes resulting from handling preparation, cooking and consumption of food.
- H. "Litter" is garbage, refuse, salvage vehicles (abandoned or inoperable vehicles), and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- I. "Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded by any recording officer as provided by general law; and in addition thereto shall mean and include any periodical or current magazine regularly published with not less than four issues per year and sold to the public.
- J. "Non-Commercial Handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper

booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of commercial handbill or newspaper.

- K. "Park" is a park reservation, playground, recreation center, golf course, or any other public area in the County owned or used by the County and devoted to active or passive recreation.
- L. "Person" is any person, firm, association, partnership, corporation, company or organization of any kind.
- M. "Private Premises" is any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mail box belonging or appurtenant to such dwelling, house building or other structure.
- N. "Public Places" is any and all streets, alleys, or other public ways and all public parks, sources, spaces, grounds, and buildings.
- O. "Refuse" is all putrescible and non-putrescible solid waste (except body wastes) including, but not limited to, garbage, rubbish, ashes, street cleanings, petroleum products, animals, abandoned automobiles, and solid market and industrial wastes.
- P. "Rubbish" is all non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes, such as paper, cardboard, tin cans, yard clippings, dirt, wood, glass bedding, crockery and similar materials.
- Q. "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

SECTION 3. COLLECTION BY COUNTY OR LICENSEE.

All refuse accumulated in the County shall be collected, conveyed, and disposed of by the County or independent contractors licensed by the County. No person shall collect, convey over any of the streets, or alleys of the County, or dispose of any

refuse accumulated in the County, except as herein provided

(a)...This ordinance shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with the provisions herein and with any other governing law or ordinances.

(b)...This ordinance shall not prohibit collectors of refuse from areas other than the County from hauling such refuse over the County streets, provided, such collectors comply with the provisions of this ordinance and with any other governing law or ordinances.

SECTION 4. COMMERCIAL OR BUSINESS ESTABLISHMENTS

Commercial or business establishments shall be required to furnish galvanized metal bins built according to specifications promulgated by the County Manager when he determines that there is a need for such bins. Such need and specifications shall be based upon volume of refuse and type produced by the particular commercial business establishments.

SECTION 5. SALVAGING AND SCAVENGING

Salvaging and/or scavenging shall be prohibited at all times at the County Sanitary Land Fill.

SECTION 5. STORING OF REFUSE.

(1) DUMPING... No person shall place any refuse in any street, alley, or other public or upon any private property whether owned by such person or not within the County except it be in proper container as provided herein and in conformance with the regulations set out by the County Manager: Nor shall any person throw or deposit any refuse in any stream or other body of water.

(2) It shall be unlawful for any person to allow any refuse to collect or accumulate on any lot or other premises within the County, of which he is owner, tenant lessee, manager or occupant. Any such unauthorized accumulation or collection is hereby declared to be a nuisance and is prohibited. In the event such person fails or refuses to remove such accumulation or collection of refuse, the County Manager may cause same to be removed at the expense of such person.

SECTION 6. COLLECTION PRACTICES.

A. FREQUENCY OF COLLECTION:

(1) RESIDENTIAL....Refuse accumulated by residences shall be collected at such times, frequency and locations deemed necessary by the County Manager.

(2) COMMERCIAL....Hotels, restaurants, and such other businesses and institutions as deemed necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the County Manager or his representative shall have the authority to require that more frequent collections by any licensee be made or deposits at land fill be made by said businesses.

B. GRANTING OF FRANCHISES:

The Board of County Commissioners shall authorize person, firms, or corporations to operate collection services hereunder by granting franchises thereto on a bid basis, which franchises to be for not less than 5 years nor more than 10 years, for a fee as shall not be inconsistent with law. No person shall be permitted to operate under the term hereof who is not so franchised or is not a producer of refuse or owner of premises as provided for by section 3 (a) hereof.

C. SPECIAL REFUSE PROBLEMS:

(1)....CONTAGIOUS DISEASE REFUSE---The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the District Health Officer. Such refuse shall not be placed in containers for regular collection or land fill deposit.

(2)....INFLAMMABLE OR EXPLOSIVE REFUSE ---High inflammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the County Manager at the expense of the Owner or possessor thereof.

D. COLLECTION BY ACTUAL PRODUCERS

(1)....REQUIREMENTS FOR VEHICLES----The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, and persons who desire to dispose of waste material not included in the definition of refuse, shall do so only with the permission of the

County Manager, and such collection shall be accomplished through the use of a vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse there from being blown, dropped or spilled.

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(2).....RULES AND REGULATIONS ----The County Manager shall have authority to make such other reasonable regulations concerning individual or licensed collection and disposal.

E. REFUSE PROPERTY OF COUNTY

Ownership of refuse material and rubbish set out for collection or disposed of in the County Sanitary Land Fill shall be vested in the County.

SECTION 7. SERVICE FEES

1. For solid waste carriers carrying waste from construction of buildings, roads, or other structures, and solid waste carriers carrying solid waste for compensation of any kind;

Truckload-less than one (1) ton \$5.00 per load

Truckload-more than one (1) ton \$10.00 per load

2. All other solid waste carriers, no charge.

SECTION 8. BURNING OF GARBAGE

No garbage, refuse or rubbish shall be burned within the County except with application and permission of the County Manager.

SECTION 9. LITTER IN PUBLIC PLACES

No person shall throw or deposit in or upon any street, sidewalk, or other public or privately owned place within the County except in public receptacles or in authorized private receptacles for collection or in an official County Sanitary Land Fill.

SECTION 10. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING

Persons placing litter in public receptacles or in authorized receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements upon any street, or other public or private place. 427556

SECTION 11. LITTER THROWN BY PERSON IN VEHICLES

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any private property, any street or other public place within the County.

SECTION 12. TRUCK LOADS CAUSING LITTER

No person shall drive or move any truck or other vehicle within the County unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other private or public place.

SECTION 13. LITTER IN PARKS

No person shall throw in any parks within the County except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other private or public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed elsewhere.

SECTION 14. LITTER IN LAKES AND FOUNTAINS

No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere in the County.

SECTION 15. THROWING OR DISTRIBUTING COMMERCIAL OR NON-COMMERCIAL HANDBILLS IN PUBLIC PLACES

No person shall throw or deposit any commercial or non-commercial handbills in or upon any sidewalk, street, or other public place within the County. Nor shall any person hand out or distribute or sell any commercial or non-commercial handbill in any public place; provided, however, it shall not be a violation of this ordinance for any person to hand out or distribute without charge to the receiver thereof any handbill to any person willing to accept it in such public places.

SECTION 16. PLACING COMMERCIAL OR NON-COMMERCIAL HANDBILLS ON VEHICLES.

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No person shall throw or deposit any commercial or non-commercial handbills in or upon any vehicle.

SECTION 17. DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR OR VACANT PREMISES

No person shall throw or deposit any commercial or non-commercial handbills in or upon any private premises which are temporarily or continuously uninhabited or vacant.

SECTION 18. PROHIBITING DISTRIBUTING OF HANDBILLS WHERE PROPERLY POSTED

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon or to any private premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing", "No Peddlers", "No Agents", "No Advertisement", or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

SECTION 19. DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES

No person shall throw, deposit or distribute any commercial or non-commercial handbills in or upon any private premises which are inhabited, except by handing, transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted as provided in the ordinance such person unless requested by any one upon such premises not to do so, shall have the authority to place or deposit any such handbill in or upon such private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises, streets, or other public places, and except that mail boxes may not be so used when so prohibited by Federal postal law or regulations.

(a) Exemption for Mail and Newspaper

The provisions of this Section shall not apply to the distribution of mail by the United States, nor to newspaper (as defined herein.)

SECTION 20. DROPPING LITTER FROM AIRCRAFT

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No person in an aircraft shall throw out, drop or deposit within the County, any litter, handbill or any other object.

SECTION 21. POSTING NOTICES PROHIBITED

No person shall post or affix notice, poster or other paper or device calculated to attract the attention of the public, on any lamppost, public utility pole or shade tree, or upon any public structure or building except as may be authorized or required by law.

SECTION 22. LITTER ON OCCUPIED PRIVATE PROPERTY

No person shall throw or deposit litter on any occupied private property within the County, whether owned by such person or not, except that that the owner or person in control of private property may maintain authorized private receptacles for collection in such manner that litter will be prevented from being carried or deposited by the elements upon any street, or public place or upon any private property.

SECTION 23. OWNER TO MAINTAIN PREMISES FREE OF LITTER OR SALVAGE MATERIAL

The owner or person control of any private property shall at all times maintain the premises free of litter and salvage material (abandoned or inoperable vehicles). Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection or deposit.

SECTION 24. LITTER ON VACANT LOTS

No person shall throw or deposit litter on any open or vacant private property within the County whether owned by such person or not.

SECTION 25. CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY COUNTY

(a) Notice to Remove

The County Manager is hereby authorized and empowered to notify the owner of any open or vacant private property within the County or the agent of such owner to properly dispose of litter, located on such owner's property. Such notice shall be by certified mail addressed to said owner or agent at his last known address, or by personal delivery.

Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of such litter within five (5) days after receipt of written notice provided for in subsection (a) above, or within ten (10) days after the date of such notice in the event the same is returned to the County Post Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the County Manager is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the County. Owner shall reimburse County for any and all costs incurred by such failure.

SECTION 26. PENALTY CLAUSE

Any person who shall violate any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding One Hundred (\$100.00) Dollars, or imprisonment in the County Jail for a period not exceeding Ninety (90) days or both fine and imprisonment.

SECTION 27. SAVING CLAUSE

If any of the sections, subsections, sentences, clauses, or phrases, of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be hereby affected, since it is the express intent of the County Commission to pass each section, phrase, paragraph and word separately.

This Ordinance has been read and approved at regular County Commission meetings

ATTEST:

County Clerk

Chairman of the County Commission
County of Santa Fe
State of New Mexico

This Ordinance shall become effective 9-15-81