SANTA FE COUNTY

Ordinance No. 1992-4

816287

AN ORDINANCE ESTABLISHING
USER FEES AT COUNTY OPERATED LANDFILL SITES

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

WHEREAS, the Board of County Commissioners of Santa Fe find that the continuing increase in the cost of providing landfill sites, along with the cost to maintain and to close such sites has created a need for additional funds to provide these services.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Santa Fe County, New Mexico that an ordinance is hereby adopted to set fees for users of landfills operated by the County of Santa Fe, as follows:

SECTIONS

I. Definitions
II. Imposition of Fee
III. Exemptions
IV. Refusal to Provide Services
V. Disposition of Funds
VI. User Fees
VII. Dispensers of Landfill Disposal Permits
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XII. Effective Date

SECTION I: **DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein. "Shall" is always mandatory and not merely directory. The masculine includes the feminine. The singular includes the plural, where appropriate.

A. "Commerical Hauler" means any person that transports refuse from any person engaging in any business activity, to a County Landfill.

B. "Commercial User" means a firm, association, partnership, corporation, company or organization of any kind, or any person who engages in a business activity, either for himself or for another. "Commercial User" also includes a governmental entity.

C. "County" means the County of Santa Fe, New Mexico.

D. "County Landfill" means any area of land which is owned, leased, or operated by the County as a place where the public is invited to come and, for a fee, to dispose of refuse. "County landfill" includes transfer stations.

E. "Field Operations Director" means the County employee who is charged with the responsibility for operating, maintaining, and regulating County Landfills.

F. "Hazardous Waste" includes, but is not limited to: asbestos and asbestos products; industrial waste products; radioactive materials; infectious materials; petroleum-contaminated materials; combustible materials; sludge; septage; and sewarage materials.

G. "Noncommercial User" means a natural person, but not a firm, association, partnership, corporation, company or organization of any kind, unless such natural person is using a County Landfill as part of a business activity for himself or for another.

H. "Person" means any natural person, firm, association, partnership, corporation, company or organization of any kind.

I. "Prohibited Materials" includes, but is not limited to: hazardous waste; appliances such as ranges, ovens, refrigerators, freezers, washing machines, and dryers; petroleum products; dead animals; yard waste; and automobiles or large parts thereof.

J. "Refuse" includes, but is not limited to: wastes resulting from the handling, preparation, cooking and consumption of food; ashes; cardboard; paper; tin cans; dirt; wood; glass; and crockery. "Refuse" does not include Hazardous Waste and Prohibited Materials.

K. "Resident of the County" means 1) a natural person whose primary residence is within the County and who does not maintain a primary residence outside of the County, and 2) any other person whose primary place of doing business is within the County. A resident of the City of Santa Fe is a resident of the County.

L. "Senior Citizen" means a natural person who is over the age of sixty-five (65) years of age.

M. "Transfer Station" means a transportable container designated by the County as a recepticle for refuse.

N. "Yard Waste" includes, but is not limited to tree branches and other parts of trees; leaves; grass clippings; and plant materials.

SECTION II: IMPOSITION OF FEE.

A. Every person who uses a County Landfill for the disposal of refuse shall pay the user fee established by this

Ordinance. The Field Operations Director shall collect such fees as follows:

1) All Noncommercial Users shall be permitted to dispose of refuse at a County Landfill by obtaining a County Landfill Disposal Permit, pursuant to Article VI of this Ordinance.

2) All Commercial Users shall pay a user fee per ton of refuse taken to a County Landfill, pursuant to Article VI of this Ordinance.

3) Noncommercial Users who are Senior Citizens shall be permitted to dispose of refuse which they generate from their own residence and to pay a reduced user fee for such disposal, pursuant to Article VI of this Ordinance.

SECTION III: **EXEMPTIONS.**

Employees of the County who are disposing of refuse as part of their employment with the County are not required to pay any user fees or to obtain any user permits pursuant to this ordinance.

SECTION IV: **REFUSAL TO PROVIDE SERVICES.**

The County of Santa Fe, its employees and agents, are hereby authorized and instructed not to accept any refuse or other material for disposal at a landfill site until the fees established by this Ordinance are paid in advance.

SECTION V: **DISPOSITION OF FUNDS.**

All monies received under the provisions of this Ordinance shall be placed in the Landfill Fees Account, maintained by the County Finance Department.

SECTION VI: **USER FEES.**

A. Noncommercial Users.

The annual fee for Noncommercial Users shall be established by Resolution of the Board of County Commissioners. Upon payment of such fee, a Noncommercial User shall be issued by the Field Operations Director a Landfill Disposal Permit which shall entitle the issuee to take refuse to a County Landfill for disposal in accordance with the operating procedures established at such site. The Landfill Disposal Permit shall be valid for one year, and the amount of the fee shall not be prorated for any part of a year.

B. Commercial Users.

The user fee that Commercial Users shall pay shall be established, based on a cost per ton, and shall be established by a Resolution of the Board of County Commissioners. Such Resolution may also establish a rate per

ton that is lower for Residents of the County than for non-residents of the County.

C. Senior Citizens.

The user fee for Noncommercial Users who are Senior Citizens shall be established by a Resolution of the Board of County Commissioners.

SECTION VII: **DISPENSERS OF LANDFILL DISPOSAL PERMITS.**

A. The Field Operations Director and those County employees he may designate are authorized and appointed to collect money from Noncommercial Users and to issue a Landfill Disposal Permit, in accordance with Article VI of this Ordinance.

B. The Board of County Commissioners may, by a Resolution, authorize and appoint persons to collect money for and to dispense Landfill Disposal Permits to Noncommercial Users. The terms of any agreement for such appointment, including any compensation to a dispenser, shall be set forth in such Resolution.

SECTION VIII: **LITIGATION.**

The County may enforce the provisions of this Ordinance by civil actions in court, for the collection amounts due, or for other appropriate relief, including injunctive relief.

SECTION IX: **PENALTY PROVISION.**

Any person who is in violation of any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred ($500.00) dollars or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION X: **SEVERABILITY.**

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

SECTION XI. **SHORT TITLE.**

This Ordinance may be referred to as the "County Landfill User Fee Ordinance."

816291

SECTION XII: **EFFECTIVE DATE.**

This Ordinance shall become effective June 13, 1992.

PASSED, APPROVED AND ADOPTED, THIS 12th DAY OF May, 1992.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

Betty Platts

BETTY PLATTS, CHAIRWOMAN

ATTEST:

JONA G. ARMIJO, COUNTY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
TERRENCE R. BRENNAN,

Terrence R Brennan

SANTA FE COUNTY ATTORNEY

CERTIFICATE OF FILING

I Jona G. Armijo, County Clerk, do hereby certify that the foregoing ordinance designated as Ordinance No. 1992-4 was filed in my office on the 14 day of May 1992 in Book Number 816 Pages 287-291.

Jona G. Armijo, County Clerk

773,091

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed for record on the 14 day of May A.D. 19 92, at 8:51 o'clock A m. and was duly recorded in book 816, page 287-291 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Deputy