

SANTA FE COUNTY

Ordinance No. 1992-9

859874

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 and Administrative Fee
- VII. Dispensers of Residential Refuse Disposal Permits
- VIII. Yard Waste and Appliances
- IX. Procedure for Using One Permit for Two Vehicles
- X. Litigation
- XI. Penalty Provision
- XII. Severability
- XIII. Short Title
- XIV. Repeal
- XV. 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 director-
y. The masculine includes the feminine. The singular in-
cludes the plural, where appropriate.

- A. "Commercial 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. "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; sewerage materials; and those materials regulated by the New Mexico Hazardous Waste Act (NMSA 74-4-1 et seq., 1978, as amended.)
- F. "Noncommercial User" means a natural person, but not a firm, association, partnership, corporation, company or organization of any kind, and does not include a natural person who is using a County

Landfill as part of a business activity for himself or for another.

- G. "Person" means any natural person, firm, association, partnership, corporation, company or organization of any kind.
- H. "Prohibited Materials" includes, but is not limited to: hazardous waste; petroleum products; bulk liquids as defined by the U.S. Environmental Protection Act, Paint, Liquid Test Method 9005; and automobiles or large parts thereof. Dead animals are prohibited from being disposed at Transfer Stations, but may be disposed at the County landfill designated by the County.
- I. "Public Works Director" means the County employee who is responsible for operating, maintaining, and regulating County Landfills.
- 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. Yard waste is included in the definition of "Refuse," and shall be handled in accordance with Section VIII of this Ordinance. Appliances such as ranges, ovens, refrigerators, freezers, washing machines, and dryers are included in the definition of "Refuse," but the Public Works Director may promulgate regulations regarding the disposal of these

appliances, pursuant to Section VIII of this Ordinance. "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 receptacle 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 Public Works 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 Residential Refuse Disposal Permit, pursuant to Article VI of this Ordinance.
- 2) All Commercial User 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
 - a) Senior Citizens, or

- b) volunteer firefighters or Sheriff Reserve
Deputies for the County

shall be permitted to pay a reduced user fee for such disposal, pursuant to Article VI of this Ordinance, for refuse which they generate at their own residence.

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 County Landfill

- 1) until the user fees for Noncommercial Users are paid in advance, or
- 2) if the user fee for Commercial Users remains unpaid and delinquent, pursuant to Section VI of this Ordinance.

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 AND ADMINISTRATIVE FEE.

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 Public Works Director a Residential Refuse 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 Residential Refuse Disposal Permit shall be valid for one year, or for any three (3) month portion of any year, pursuant to regulations established by the Public Works Director.

B. Commercial Users.

The user fee that Commercial Users shall pay shall be established by a Resolution of the Board of County Commissioners, based on a cost per ton. Such Resolution may also establish a rate per ton that is lower for residents of the County than for nonresidents of the County. All Commercial Users shall pay a fee of five dollar (\$5.00) minimum, regardless of weight, for any refuse disposed at a County Landfill. The factor determining the residential/nonresidential rate per ton shall be the location from which the refuse was originally taken.

C. Senior Citizens, Volunteer Firefighters and Sheriff Reserve Deputies.

The user fee for Noncommercial Users who are Senior Citizens, volunteer firefighters of the County or Sheriff Reserve Deputies of the County shall be established by a Resolution of the Board of County Commissioners.

D. Administrative Fee.

The Public Works Director may charge and collect an Administrative Fee to Commercial Users, to offset the cost of

establishing and maintaining the bookkeeping procedures for Commercial Users. The Administrative Fee shall be established by Resolution of the Board of County Commissioners.

SECTION VII: DISPENSERS OF RESIDENTIAL REFUSE DISPOSAL PERMITS.

A. The Public Works Director and those County employees he may designate are authorized and appointed to collect money from Noncommercial Users and to issue Residential Refuse Disposal Permits, in accordance with Article VI of this Ordinance.

B. The Public Works Director shall authorize and appoint persons to collect money for and to dispense Residential Refuse Disposal Permits to Noncommercial Users. The terms of any agreement for such appointment, including any compensation to a dispenser, shall be approved by the Public Works Director and the County Attorney.

SECTION VIII: YARD WASTE AND APPLIANCES.

The County by Resolution shall designate a site or sites where persons shall bring yard waste for disposal. Yard waste shall not be disposed at any other site. The Public Works Director may establish regulations to determine which type or condition of appliances shall be accepted or rejected at the County Landfill for disposal.

SECTION IX: PROCEDURE FOR USING ONE PERMIT FOR TWO VEHICLES.

When a Noncommercial User desires to use two (2) vehicles for disposal of refuse generated at his residence, he may produce to the County Landfill caretaker, the following

two documents: (1) his paid receipt, showing that he purchased a Residential Refuse Disposal Permit, and (2) the vehicle registration, issued by the New Mexico Department of Motor Vehicles, for the second vehicle that is being used to dispose refuse. The Landfill caretaker will examine the vehicle registration form and the Residential Refuse Disposal Permit, to verify that the vehicle is owned by the holder of the Permit or that the vehicle is owned by a family member residing at the same address as the Permit holder.

SECTION X: 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 XI: PENALTY PROVISION.

Any Commercial User who is in arrears in payment of the user fee shall be assessed reasonable penalties and interest, in the discretion of the Public Works Director.

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 XII: SEVERABILITY.

If any of these sections, subsections, sentences, clauses, or phases of this Ordinance are for any reason found to

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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 XIII. SHORT TITLE.

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

SECTION XIV. REPEAL.

Santa Fe County Ordinance 1992-4 is hereby repealed.

SECTION XV: EFFECTIVE DATE.

This Ordinance shall become effective NOVEMBER¹³, 1992.

PASSED, APPROVED AND ADOPTED, THIS 13th DAY OF October, 1992.

SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS

Betty Platts
BETTY PLATTS, CHAIRWOMAN

ATTEST:

Jona G. Armijo
JONA G. ARMIJO, COUNTY CLERK

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

Terrence P. Brennan
SANTA FE COUNTY ATTORNEY



789-979
COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 15 day of Oct
19 92 at 8:34 o'clock PM
and was duly recorded in book 8598
page 874 of the records
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Jona G. Armijo