

SAN MIGUEL COUNTY

SOLID WASTE ORDINANCE

No. SMC-02-10-04-OR

ADOPTED FEBRUARY 10, 2004
AS AMENDED NOVEMBER 11, 2008

COUNTY OF SAN MIGUEL)
STATE OF NEW MEXICO) ss

SAN MIGUEL COUNTY
PAGES: 28

I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of December, 2008 at 02:01:43 PM
And Was Duly Recorded as Instrument #200805738
Of The Records Of San Miguel

Witness My Hand And Seal Of Office

Deputy M. Maerz County Clerk, San Miguel, NM
Paul Maerz

SOLID WASTE ORDINANCE

No. SMC-02-10-14-OR

AS AMENDED NOVEMBER 11, 2008

INDEX

SECTION	TITLE	PAGE
SECTION 1.	TITLE AND COMMON NAME OF ORDINANCE.....	1
SECTION 2.	APPLICATION OF ORDINANCE.....	1
SECTION 3.	DEFINITIONS.....	1
SECTION 4.	STORAGE OF SOLID WASTE AND LITTER:REMOVAL;PENALTY.....	4
SECTION 5.	SOLID WASTE DISPOSAL PRACTICES	5
SECTION 6.	MATERIALS PROHIBITED IN COUNTY SOLID WASTE FACILITIES	6
SECTION 7.	RECYCLING PROGRAM.....	7
SECTION 8.	CONTRACTING FOR COLLECTION, STORAGE, TRANSPORTATION AND DISPOSAL WITHIN THE COUNTY.....	7
SECTION 9.	CONTRACTING WITH SAN MIGUEL COUNTY FOR RENTAL OF SOLID WASTE BINS & SOLID WASTE HAULING SERVICES.....	8
SECTION 10.	COUNTY SOLID WASTE CONTAINERS AND LOCATION.....	9
SECTION 11.	USE, DAMAGE AND SCAVENGING ON COUNTY-DESIGNATED DISPOSAL AREAS.....	9
SECTION 12.	COUNTY CONSTRUCTION SITES, STORAGE, TRANSPORTATION AND DISPOSAL.....	10
SECTION 13.	STATE LAWS, RULES AND REGULATIONS ADOPTED.....	10
SECTION 14.	POWERS OF THE COUNTY.....	11

SECTION 15. MANDATORY SERVICE AND RATE STRUCTURES.....11

SECTION 16. SOLID WASTE BILLING EXEMPTION.....19

SECTION 17. EXEMPTIONS; APPLICATION PROCEDURE.....19

SECTION 18. APPEAL PROCESS.....20

SECTION 19. PAYMENT, DELINQUENCIES, ADJUSTMENTS, AND CIVIL ACTION.22

SECTION 20 MISDEMEANOR PENALTIES.....23

SECTION 21. SEVERABILITY.....24

SECTION 22. EFFECTIVE DATE.....24

SECTION 23. REPEAL.....24

SAN MIGUEL COUNTY, NEW MEXICO

ORDINANCE NO. SMC-02-10-04-OR

AS AMENDED NOVEMBER 11, 2008

AN ORDINANCE PROVIDING FOR THE EFFICIENT AND SANITARY STORAGE, COLLECTION AND DISPOSAL OF REFUSE AND SOLID WASTE IN SAN MIGUEL COUNTY; PROVIDING FOR MANDATORY DISPOSAL OF REFUSE AND SOLID WASTE, PROVIDING FOR EXEMPTIONS; ASSESSING AND IMPOSING FEES THEREFOR AND PROVIDING FOR THEIR COLLECTION; CREATING AND IMPOSING A MISDEMEANOR PENALTY FOR VIOLATION OF THE ORDINANCE; IMPOSING A LIEN UPON REAL PROPERTY; PROVIDING AN EFFECTIVE DATE; AND AMENDING EXISTING SAN MIGUEL COUNTY ORDINANCE NO. SMC 02-10-04-OR

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, NEW MEXICO:

SECTION 1: TITLE AND COMMON NAME OF ORDINANCE

This Ordinance shall be known and referred to as the "Solid Waste Ordinance of San Miguel County, New Mexico."

SECTION 2: APPLICATION OF ORDINANCE

This Ordinance shall apply to and govern all owners of premises in San Miguel County, New Mexico, excluding premises situated within the boundaries of the City of Las Vegas, New Mexico and excluding owners of premises who qualify for exemption as provided in the Ordinance.

SECTION 3: DEFINITIONS

As used in the Solid Waste Ordinance of San Miguel County, New Mexico:

- A. Bin Site -means a registered solid waste facility maintained and operated by the County or its designee for the storage, disposal, collection and transportation of solid waste.
- B. Code Enforcement Officer -means the person appointed by the County to enforce this Ordinance.
- C. Commercial -means any entity or structure operating as a business, and not utilized primarily as a dwelling or habitation.

D. Commercial Customer- means any person, persons or entity utilizing the County Solid Waste Disposal System to dispose of common commercial solid waste as defined by the New Mexico Solid Waste Regulations.

E. Convenience Center -means a registered solid waste facility staffed with a convenience center operator for the purpose of operating and maintaining for the storage, disposal, collection, separation and transport of solid waste and recyclables.

F. Convenience Center Operator -means Public Works Supervisor designee to enforce the County's Solid Waste Ordinance and the individual designated to supervise the operation and maintenance of a convenience center.

G. Composting -means the process by which the biological decomposition of organic solid waste materials is undertaken under controlled conditions to produce an organic substance which can be used in an environmentally acceptable manner.

H. Composting Facility -means any facility designed to compost organic solid waste in an environmentally acceptable manner.

I. County -unless used to describe a geographical boundary or area, means the Board of County Commissioners of San Miguel County, New Mexico.

J. County Manager -means the chief administrative officer to the Board of County Commissioners of San Miguel County, New Mexico.

K. Debris -means all building material waste to include shingles, roofing material, lumber, metal or plastic piping, or yard waste.

L. Garbage -means all waste food, swill, slops and all waste from the preparation, cooking and consumption of food and from the handling, storage and sale of food products, tin cans, bottles, ashes and all similar items.

M. Hazardous Waste -means waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Examples of some household hazardous wastes that are ignitable, corrosive, reactive, or toxic include, but are not limited to: drain openers, oven cleaners, wood and metal cleaners and polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides and fungicides/wood preservatives, and liquid petroleum waste, including motor oil and all similar material.

N. Homeowner's Disposal Pit -means a pit used to dispose of solid waste generated on the property by the property owner. Homeowner pits shall be recorded by the County through a declaration filed by the property owner. Home owner permits are issued by the New Mexico Environment Department.

O. Landfill -means a New Mexico Environment Department permitted solid waste facility designed to accommodate the disposal of solid waste and such disposal to occur through a contractual arrangement with a New Mexico registered landfill operator.

P. Litter- means solid waste scattered in public areas or rights-of-way.

Q. Private Hauler-means any person transporting solid waste for hire by whatever means for the purpose of collection, transfer, processing, storing or disposing of solid waste in a county of San Miguel bin site, convenience center or other disposal facility permitted by the New Mexico Environment Department. Private haulers must have current a San Miguel County business license.

R. Materials -when used with the term "composting", means trees, tree branches, yard trimmings or clippings, leaves and pine needles.

S. Owner -means the owner of the premises, whether or not residing or occupying said premises;

T. Premises -means any improved area intended for residential or commercial use, situated in San Miguel County, New Mexico, outside the exterior boundaries of the City of Las Vegas, New Mexico, and shall constitute the unit upon which solid waste collection and disposal fees are assessed, imposed and collected.

U. Property Lien –Property Lien means a lien and encumbrance on real property as security and evidence for payment of a debt to the County.

V. Recycling- means any process by which recyclable materials are collected, separated or processed and reused or returned in the form of raw materials or products.

W. Refuse- means all discarded or junked parts or bodies of automobiles, tires, waste paper, paper cartons, cardboard, wood, glass, plastics, discarded furniture or appliances.

X. Rental Unit(s) -means any structure used primarily as a dwelling or habitation through a rental or lease arrangement with the premises owner.

Y. Residential; -means any premise used primarily as a dwelling or habitation.

Z. Residential Customer -means any person or persons utilizing the County Solid Waste Disposal System to dispose of common household waste as defined by the New Mexico Solid Waste Regulations;

AA. Residential Discounted Rate -means any County residential customer utilizing the County Solid Waste Disposal System to dispose of common household waste as defined by the New Mexico Solid Waste Regulations and who presents on their behalf, a current Medicaid or Medicare membership card.

BB. Responsible party -means the owner of any premises;

CC. Solid Waste -means garbage, refuse and or debris and white goods of any kind generated by any individual, household or commercial establishment;

DD. Public Works Supervisor- means the person appointed by the County to administer its Solid Waste System.

EE. Unit -means a house, apartment, condominium, cabin, recreational vehicle, mobile home, or other type of living quarters where solid waste may be generated.

FF. White Goods -means discarded appliances including but not limited to refrigerators, stoves, dishwashers, water heaters, washers, dryers and freezers.

GG. Yard Waste – means vegetative matter resulting from landscaping, land maintenance, and land cleaning operations to exclude tree branches.

SECTION 4: STORAGE OF SOLID WASTE AND LITTER; REMOVAL; PENALTY

A. No person shall store upon premises owned, leased or occupied which are within two hundred (200') feet of any other inhabited or occupied premises, any refuse, solid waste or white goods in a manner that creates a nuisance or threat to the public health, safety or welfare of County residents.

B. No person shall litter upon County roads, streets, gutters, alleys, sidewalks, acequias, arroyos, convenience centers, bin sites or other public rights-of-way, or permit the same to be carried or deposited by the elements in, to or upon any road, street, sidewalk, alley, sewer, parkway or other public place within the County.

C. No owner of any property or business shall store or dispose of refuse, solid waste or white goods in upon or within areas such as old landfill sites, land grants, arroyos, acequias, or other natural settings not designated as County solid waste facilities.

D. Subject to any limitations otherwise provided by law, the San Miguel Sheriff or the code enforcement officer, or their authorized designees, are authorized to enter into and inspect any premises upon reasonable cause to believe that unlawful storage of, refuse, solid waste, or white goods, or litter may exist therein or thereupon, and thereafter enforcement shall proceed as follows:

1. If, upon the basis of such inspection of any premises, the San Miguel Sheriff or Code Enforcement Officer determines a violation exists with any provision of Subsections A to E of this Section; they shall notify the owner, occupant, or responsible party and request that any violation be corrected and abated within such time as they may direct, to be not less than ten (10) and not more than thirty (30) days from the date of delivery of the notice and request for correction; except any violation which constitutes a danger to the public health, safety and welfare, may be ordered to be corrected and abated immediately within such shorter time as the Sheriff or code enforcement officer may determine;

2. Upon the failure, neglect or refusal of the owner, occupant or responsible party to timely and properly correct and abate the violation, the County may enter into and upon the premises to correct and abate the violation, charging the owner, occupant or responsible party the actual costs and expenses for said correction and abatement.

E. Nothing in Subsection E of this Section shall be construed to require any notice to the owner or occupant, or otherwise, before the filing of a civil or criminal action for the violation or enforcement of any provision of this Ordinance.

F. Any violation of this Section shall be punishable as provided under Section 19 of this Ordinance and, in addition, the violator may be assessed costs for the clean-up of illegally stored or deposited refuse, solid waste, or white goods or litter as herein provided.

SECTION 5: SOLID WASTE DISPOSAL PRACTICES

A. The County convenience centers and bin sites shall be located in areas conducive to the convenient use by residential and commercial customers.

B. Convenience Centers and bin sites are located to serve, county residents and commercial establishments within the county The County solid waste facilities will be operated to accommodate the disposal of solid waste, debris and refuse .

C. Convenience centers will be supervised during all hours of operation by a Convenience Center Operator. The Convenience Center Operator will direct users of the facility to insure compliance with the Solid Waste Ordinance. The

Convenience Center Operator shall monitor types and quantities of solid waste deposited and insure appropriate billing based on customer classification and the Solid Waste Ordinance.

D. Bin sites will be unsupervised and available for use during daylight hours for the disposal of solid waste and garbage for residential customers. All other garbage items shall be disposed of at any supervised convenience center within San Miguel County.

E. All waste transported over State; City or County roads within San Miguel County shall be covered to insure against the littering of these rights-of-way:

F. Solid Waste, refuse, garbage and yard waste shall be deposited at Convenience Centers and /or bin sites in a manner that the County can maximize the volume of the container provided for the storage, transportation and disposal of said waste.

G. Homeowners Disposal Pit. Solid waste may be disposed in a declared homeowners disposal pit by the property owner if the waste is generated on the property and said waste does not harm the environment or endanger the public health welfare or safety and does not violate any provision of the New Mexico Solid Waste Management Regulations and/or the County Solid Waste Ordinance.

SECTION 6: MATERIALS PROHIBITED IN COUNTY SOLID WASTE FACILITIES

A. Prohibited Materials include batteries, poisons, acids, caustics, chemicals, liquid petroleum products, oil, fuels, waste contaminated by infectious disease, dead animals, live pests, rocks, sand dirt, concrete, brick, hardened solid building materials, tree branches, and toxic, highly flammable or explosive materials, human body parts, hot ashes and liquid waste materials. These materials shall not be deposited in County solid waste containers occupying bin site or convenience centers but shall be disposed of in accordance with applicable local state and federal ordinances and/or regulations at the expense of the person generating the waste.

B. Prohibited materials shall include white goods that have not been stripped of freon containing systems as required by state and federal regulations.

C. Prohibited materials may be identified on site by the Convenience Center Operator. The Convenience Center Operator, in the interest of protecting the operation of the facility or equipment at the facility, may identify certain materials to be prohibited materials.

SECTION 7: RECYCLING PROGRAM-If and when the County has a recycling program the following may apply:

A. The County may separate from the County's solid waste stream items that may be recycled. The reduction of the waste stream by separation may occur by the County at all County-designated convenience centers. Separation shall occur by residents when residents utilize bin sites for disposal. Residents who want to contribute to separation shall take the County-designated recyclable items to the County convenience center. This includes items such as white goods, cardboard, aluminum, metal, plastic and other recyclable items. Such recyclable shall be delivered separated, bagged and/or bundled and shall comply with disposal requirements as provided in this Ordinance.

B. The County shall own all items separated and attempt to obtain market prices for the items shipped to market.

C. Revenue generated from recycling shall be directed to the operation of the Solid Waste Division.

SECTION 8: CONTRACTING FOR COLLECTION, STORAGE, TRANSPORTATION AND DISPOSAL WITHIN THE COUNTY

A. The County shall allow private haulers to perform solid waste service within the county upon compliance with the following requirements:

1. Any private hauler conducting business in San Miguel County shall comply with all applicable Federal, State, and Local laws.

2. Private haulers performing business in the County shall be registered with the County Solid Waste Division. Registration shall include the name of the business, name of the owner of the business address of the business, a listing of the business customers, type of solid waste service being provided to each, the fee for the services being provided and the estimated amount of waste being disposed of weekly. The private hauler shall provide the name and address of the owner of the disposal facility where the waste collected is being disposed. The private hauler shall disclose the disposal rate. The disposal facility shall be a New Mexico Environmental Department-permitted facility.

B. When a private hauler utilizes a County disposal facility, the private hauler shall be assessed a fee based on the County's rate structure for commercial disposal services, and payment of these monthly fees shall be kept current. Failure to do so shall result in the County prohibiting the private hauler from continuing to do business in the county.

C. Any owner serviced by a private hauler, located in the County, shall be granted an exemption to the monthly solid waste rate upon compliance by the private hauler with the conditions specified in the foregoing subsections A and B of this Section.

SECTION 9: CONTRACTING WITH SAN MIGUEL COUNTY FOR RENTAL OF SOLID WASTE BINS AND SOLID WASTE HAULING SERVICES

- A. Residents and/or commercial customers within San Miguel shall contract with San Miguel County for rental of 30-40 cubic yard open-top containers for Solid Waste Services.
2. Any resident and/or commercial customer contracting with San Miguel County shall be responsible for contacting the San Miguel County Public Works Department at the Public Works office currently located at 1224 Railroad Avenue, Las Vegas, New Mexico 87701, telephone (505)425-3664 or (505) 425-8612.
3. Once the container is delivered, it shall be the responsibility of the resident and/or commercial customer to notify the Public Works Office the container is full and ready to be picked up. The container must not be overfilled so that the proper tarping is made possible.
- B. Prohibited material include: hazardous materials, batteries, poisons, acids, caustics, chemicals, liquid petroleum products, oil, fuels, waste contaminated by infectious disease, dead animal, live pests, rocks, sand, dirt, concrete, brick, hardened solid building materials and toxic highly flammable or explosive materials, human body parts, hot ashes, liquid waste materials and white goods that have not been stripped of freon-containing systems as required by state and federal regulations.
- C. Term of Rental
4. Contracting for County bin rental service shall be accomplished by executing a service agreement with the San Miguel Public Works Department. The service agreement shall define the type of service, cost for service, and length of time for service.
2. All fees due must be paid within thirty (30) days of billing for services.

SECTION 10: COUNTY SOLID WASTE CONTAINERS AND LOCATION

A. Convenience Centers. The County shall place open and closed solid waste containers at the convenience centers.

1. Location of convenience centers shall be determined by the County Manager or his designee, which location shall be based on population densities, reasonable access and available electrical services. The location shall be determined based on public input, available access to the site and population density.

2. Convenience Centers shall be located to best serve County Residents & Commercial Customers, County residents and commercial customers shall drive to the facility to utilize the convenience center facilities.

3. All containers at convenience centers shall be serviced by County roll-off truck units and removed from the site for transportation and disposal purposes.

B. Bin Sites. The County shall place 30-40 cubic yard open-top solid waste containers at all County-designated bin sites. All open top containers shall be made accessible.

1. Location of Bin Site. Location of bin sites shall be determined by the County Manager or designee. The location shall be determined based on public input, available access to the site and population density. The sites shall be fenced and equipped to accommodate the safe use of the bins by residential customers.

2. Bin Sites shall be located to best serve County Residents and Commercial Customers. Residents and Commercial Customers shall drive to the facility to utilize the bin site.

SECTION 11: USE, DAMAGE AND SCAVENGING ON COUNTY DESIGNATED DISPOSAL AREAS

A. Property situated as a County-designated disposal area is property owned or leased by the County of San Miguel. Storage or use of materials or equipment or use of property other than for storage or disposal of waste is prohibited.

B. Solid waste storage, building facilities and containers are the property of the County of San Miguel and removal, damage, or access to these structures is prohibited.

C. Items stored or equipment utilized by the County in the process of disposal of solid waste is the sole property of the County, and removal of said items or equipment by scavenging or other methods is prohibited.

D. Any person or persons who violate the provisions of this section shall be subject to penalties provided under Section 20 of this Ordinance and, in addition thereto, shall be liable to the County for the costs, repair or replacement of such facilities or equipment.

SECTION 12: COUNTY CONSTRUCTION SITES SOLID WASTE, STORAGE, TRANSPORTATION AND DISPOSAL

A. In the application for a County Building Permit, the applicant shall identify the manner in which construction debris will be stored and transported from the site, and shall identify the disposal site.

B. The applicant for a County Building permit may apply for San Miguel County Rental of Solid Waste Bins and Solid Waste Hauling Services as identified in Section 9 of this ordinance.

C. The Building Permit Permittee shall at all times be responsible to insure the control of waste so as to prevent the littering or creation of a nuisance at the construction site.

D. The applicant shall insure the area where storage of solid waste or debris was stored is cleared and cleaned within five (5) working days of leaving the site.

E. Any person securing a building permit shall produce proof of disposal at an approved disposal facility when requested to do so by the Public Works Supervisor or Code Enforcement Officer or representative of the New Mexico Environment Department, unless the person has contracted with the County for Commercial Disposal Services.

SECTION 13: STATE LAWS, RULES AND REGULATIONS ADOPTED

A. The laws, rules and regulations of the State of New Mexico dealing with solid waste management, are hereby adopted and incorporated herein by reference and made an integral part of this Ordinance.

B. Provided, however, that the penalty provisions provided in Section 20 shall apply to violations prosecuted under this Ordinance.

SECTION 14: POWERS OF THE COUNTY

A. For the purposes of establishing, implementing, operating, administering and enforcing a mandatory solid waste collection system as provided in this Ordinance and under the laws, rules and regulations of the State of New Mexico, the Board of County Commissioners of San Miguel County may:

1. Execute contracts, franchise or other agreements on behalf of the County, with the State of New Mexico, or with any department, agency or division thereof, and with any municipality, county or other political subdivision or entity, including the Sangre De Cristo Solid Waste Authority, or with any private entity for the collection, transportation or disposal of solid waste generated in the unincorporated areas of San Miguel County;
2. Regulate the collection, storage, transportation and disposal of solid waste by any entity performing services for and on behalf of San Miguel County in the unincorporated areas of San Miguel County.
3. Establish assess, impose and collect fees for the collection and disposal of solid waste as provided in this Ordinance, in amounts sufficient to pay the necessary costs of the County's system of collection, storage, transportation and disposal.
4. Coordinate the collection, storage, transportation and disposal of solid waste in consultation with the New Mexico Environment Department, or any other state or local agency.

B. The Board of County Commissioners of San Miguel County, New Mexico, shall exercise lawful powers and duties as may be necessary for the administration and enforcement of this Ordinance. The Public Works Supervisor, County Manager or Convenience Center Operator, or Code Enforcement Officer shall be designated by the County Commission to administer and enforce the Solid Waste Ordinance.

SECTION 15: MANDATORY SERVICE AND RATE STRUCTURES

1. Participation in the County's solid waste collection and disposal system is mandatory for each responsible party in the unincorporated areas of San Miguel County except as provided in Section 16 of this Ordinance.

A. The County shall establish, assess, impose and collect fees for solid waste collection and disposal.

B. The fees established, assessed and imposed by this Ordinance shall not be

changed except by lawful amendment to this Ordinance as provided by law including notice and hearing as required by Section 4-37-7 and 10-15-1, et seq., NMSA 1978.

C. Revenues generated from the rates assessed in the Solid Waste Ordinance to be utilized by the County to offset costs associated with the operation, maintenance and expansion of the Solid Waste System to include the purchase of equipment property and facilities to operate the Solid Waste System.

D. The mandatory fees established, assessed and imposed herein shall be collected by and paid to the San Miguel County Solid Waste Billing Clerk or such other designee as may be determined and appointed by the Board of County Commissioners of San Miguel County. Solid Waste User Fees established assessed and imposed by this Ordinance for areas serviced by the County's solid waste collection and disposal system are and shall be as follows:

2. Residential Customer Rate. Residential Customers shall be assessed per unit based on fees set in this ordinance, and based on year round use of the County's solid waste facilities.

a. A Residential Customer shall be assessed a rate of eleven dollars and 98/100----(\$11.98) per unit per month, plus applicable gross receipts tax.

b. Rental units shall be assessed a rate of eleven dollars and 98/100 (\$11.98) per unit per month plus applicable gross receipts tax. Rental fees shall be assessed to the owner of the premise.

c. Residential Customer Annual Permit. Residents may purchase an Annual Permit anytime. Annual Permits will be sold throughout the calendar year .The annual permit shall authorize use of County solid waste facilities for the year .A residential annual permit shall be assessed at one-hundred twenty dollars annually. (\$120.00/plus applicable tax).

d. Residential Customer rates shall be increased annually based on the National Consumer Price Index (CPI). Increases will take effect the first of the fiscal year.

3. Bulk Pay Per Use Rate. The following rates are for commercial and residential customers who dispose of bulky items at convenience centers owned and operated by the County of San Miguel.

(THIS SPACE INTENTIONALLY LEFT BLANK)

Bulk Pay Per Use Structure

RATE STRUCTURE

\$8.18 per cubic yard = Width x Length x Depth :- 27 cubic feet = cubic yard
excluding white goods, tires and furniture
Tax Rate = Applicable at the time

LOAD/SIZE	RATE
All pickup trucks (minimum)	\$ 11.39
All pickup trucks (full load)	22.78
4 yard trailers	32.72
5 yarder or dump truck	40.90
10 yarder	81.80
14 yarder	114.52
30 yards	245.40
5x10x2	30.27
6x12x2	43.69
8x8x4	77.63
10x6x3	54.56
10x6x4	72.72
10x8x3	72.72
12x5x6	109.13
12x6x2	43.69
12x6x3 12x3x6	65.44
12x6x4	87.28
12x7x1	25.53
12x7x4	101.80
12x7x5	127.25
14x6x2	50.90
14x6x3	76.35
14x6x4	101.80
15x6x7	190.87
16x6x3	87.26
16x4x4	77.56
16x7x2	67.87
16x7x3	101.80
16x7x4	135.73
16x7x5	169.66

LOAD/SIZE	RATE
17X7X6	216.32
18X8X4	174.51
28X7X2	118.77
30X7X2	127.25
30X7X4	254.49
32X8X4	310.24
45X7X5	477.17
46X7X5	487.77

(Calculation Example:

12x7x1 :- 27 cubic feet x \$8.18 = amt. + tax @ Applicable tax rates)

BULK PAY PER USE RATE STRUCTURE

White goods as defined by the ordinance.

\$22.78/item

tires: automobile tires up to 17" @ \$2.27/ each
 tires up to 18" but smaller than 24" @ \$4.45/ each
 tires over 24" @ \$19.36/each

Furniture

Couches, loves seats, mattresses, recliners, television, chairs, tables, beds, entertainment centers, dressers, closets, trunks, microwave ovens, barbecue grills, bicycles, and lawnmowers @ \$2.32

1. User Logs. It shall be the responsibility of the Convenience Center Operator to maintain accurate logs which include the name of the resident, business, signature and personal identification to include information on type of material and quantity disposed. The logs are to be certified as true and correct by the Convenience Center Operator.
2. Billing. USER LOGS prepared by the Convenience Center Operators shall be submitted to the San Miguel County Solid Waste Billing Clerk on the fifth working day of each month. Users of the facility shall be billed monthly based on the user logs provided by the Convenience Center Operators.

(THIS SPACE INTENTIONALLY LEFT BLANK)

BAG SIZE

RATE

0 -10 gal.	\$1.14 per bag
11 -30 gal.	2.28 per bag
31 gal & - Over	3.42 per bag

0 -10 gal. hags @ \$1.14 per bag

11- 30 gal. Bags @ \$2.28 per bag

1 bag	\$1.14
2 bags	\$2.28
3 "	\$3.42
4 "	\$4.56
5 "	\$5.70
6 "	\$6.84
7 "	\$7.98
8 "	\$9.12
9 "	\$10.26
10 "	\$11.40

1 bag	\$2.28
2 bags	\$4.56
3 "	\$6.84
4 "	\$9.12
5 "	\$11.40
6 "	\$13.68
7 "	\$15.96
8 "	\$18.24
9 "	\$20.52
10 "	\$22.80

31 gal. Bags & Over @ \$3.42 per bag

1 bag	\$3.42
2 bags	\$6.54
3 "	\$10.26
4 "	\$13.68
5 "	\$17.10
6 "	\$20.52
7 "	\$23.94
8 "	\$27.36
9 "	\$30.78
10 "	\$34.20

4. RENTAL OF SAN MIGUEL COUNTY SOLID WASTE BINS & HAULING SERVICES

RATE STRUCTURE

1. 30-yard open-top container

Delivery rate	\$39.55 (one time charge)
Daily rental fee	\$2.25
Bin pick-up fee	\$152.60 per pick up
	(plus applicable per ton landfill fee)

2. 40-yard open-top container

Delivery rate	\$35.95 (one time charge)
Daily rental rate	\$2.25
Bin pick-up rate	\$163.89
	(plus applicable per ton landfill fee)

A Fuel Surcharge Fee will be included with each delivery of a dumpster in the amount of Two Hundred (\$200.00) Dollars.

5. Rate Adjustments for bulk Pay-Per-Use, and Rental of Solid Waste Bins and Hauling Service Rates shall be adjusted annually on July 1st based on regional landfill fee adjustments.

A. Discounted Rate -Residential Customer. Residential customer, as defined by this

Ordinance, disposing of household solid waste shall be entitled to a rate discount if the customer provides proof of medicare/medicaid membership and/or over the age of 65, then discounted monthly rate is \$9.60/month plus applicable tax. Annual Discount is \$90.05 plus applicable tax. -when presenting to the County Solid Waste Billing Clerk a current Medicare and/or Medicaid membership.

B. Rental Vacancies. Rental units may be credited for periods when vacancies exist. The credit shall be applied only after the vacancy has existed for more than ninety (90) days and the rental unit owner notifies the County's Solid Waste Billing Office, in writing of the vacancy.

SECTION 16: SOLID WASTE BILLING EXEMPTION

A. The rates imposed by this Ordinance shall not apply to any owner of premises who qualifies under one or more of the following exemptions:

1. Residents residing in the areas of the county where no solid waste service is provided.
2. A declaration for use of a homeowner's disposal pit permit presented to the Solid Waste Billing Clerk. All Permits are to be kept on file in the county Billing Clerk's files.
3. There exists no dwelling upon the owner's premises;
4. There exists only an uninhabitable dwelling upon the owner's premises;
5. The owner owns no premises, within the County of San Miguel.
6. A county resident receiving solid waste service from an established solid waste collection service administered by another local government and within the boundaries of the City of Las Vegas or the Village of Pecos, and can verify that they or their landlord are paying solid waste fees within such entity.
7. The owner's premises are serviced by a private hauler as allowed under Section 8 of this Ordinance. (The owner must apply annually)
8. No reasonable access to county facilities exist.

SECTION 17: EXEMPTIONS; APPLICATIONS PROCEDURE

1. With the exception of property owners who have filed with the County a Homeowner's Disposal Pit Permit, the County shall provide a form allowing residents to apply for an exemption under one of the conditions allowed for in Section 16.
2. Upon receipt of the application for exemption and the required proof thereof, the Solid Waste Billing Clerk shall process all applications for exemption and establish an appropriate Billing.
3. Applicants approved shall be filed with the Solid Waste Billing Clerk. Applicants denied shall be provided written notice to the reasoning for denial.

4. Appeals may be filed by the applicant. Upon receipt of the appeal, the San Miguel County Manager shall within fifteen (15) days grant or deny the application. Should the San Miguel County Manager deny the appeal the applicant may pursue the appeal process set forth in Section 18 of this ordinance.

A. If the application is denied by the San Miguel County Manager the applicant may pursue the appeal process set forth in Section 18 of this Ordinance.

B. If the application for exemption is granted, it shall be granted retroactive to the date when the exemption was first applied for, and for which proof and verification was submitted.

SECTION 18: APPEAL PROCESS

If an application for exemption is denied under the provisions of Section 17 of this Ordinance, the applicant may appeal the denial to the Board of County Commissioners, and the following procedure shall then apply:

A. Setting of Hearing and Notice.

1. Once a request for appeal to the County Commission is received by the County Manager, the formal hearing shall be set not more than sixty (60) days after receipt of the notice of appeal. Notice of the time, date and place of the formal hearing shall be served on the applicant by certified mail, return receipt requested, to the address on the application for exemption at least thirty (30) days prior to the hearing.

5. The notice shall inform the applicant of the time, place and date of the hearing.

6. In the absence of advance notice of justification accepted by the County Commission as good cause, the applicant's failure to appear at the time and place scheduled for the hearing shall be deemed to constitute waiver of the appeal.

B. Conduct of Hearing.

1) Formal hearing shall be conducted as follows:

The County Commission shall endeavor to assure that all participants in the hearing have a reasonable opportunity to be heard and to present relevant oral and documentary evidence in an Efficient and expeditious manner and that proper decorum are maintained. The County Commission shall be entitled to determine the order of the procedure for presenting evidence and statements during the hearing and shall have the authority and discretion to make rulings on questions which pertain to matters of law, procedure or the admissibility of evidence.

C. Representation.

The applicant shall be entitled to be represented by an attorney at his/her expense at the hearing.

D. Burden of Proof.

The County shall have the burden of going forward with the evidence and proof by a preponderance of the evidence.

E. Admissibility of Evidence.

The hearing shall be informal, and the parties shall not be required to adhere to any formal rules of procedure or evidence. The County Commission shall give effect to the rules of privilege recognized by law and shall rule upon offers of proof, receive evidence given under oath and dispose of all motions.

F. Questioning of Witnesses.

During the hearing, the County Commission may ask the witnesses questions, call additional witness, or request the admission of additional evidence, if it deems it appropriate or necessary to an understanding and determination of the matter at issue. The County Commission may, but shall not be required to, order that oral evidence shall be taken only on oath administered by any person lawfully authorized to administer such oath.

G. Order of Presentation.

The County Commission shall open the formal hearing by allowing each party to make an opening statement. The county shall proceed first in the presentation of oral and/or documentary evidence. The applicant may cross-examine each

witness presented by the County. Next, the applicant may present oral and/or documentary evidence. The County may then cross-examine each witness presented. The County may then present rebuttal witnesses. Upon conclusion of presentation of all evidence, the parties may give a closing statement.

H. Right to One Hearing.

No applicant shall be entitled to more than one (1) evidentiary hearing.

I. Recording.

The applicant shall have the right to have a taped recording made of the proceedings, copies of which may be obtained by the applicant upon payment of any reasonable charges associated with the preparation thereof.

J. Time for Decision.

Within thirty (30) days after the final adjournment of the formal hearing, the County Commission shall render its decision. The decision shall include a statement of the findings and conclusions upon all material issues of fact or law presented by the record and testimony or evidence contained therein. A copy of the written decision shall be furnished promptly to the applicant.

SECTION 19: PAYMENT, DELINQUENCIES ADJUSTMENTS, CIVIL ACTION, AND PROPERTY LIEN

A. All solid waste user rates imposed pursuant to this Ordinance shall be payable upon billing by the County. Rates billed and not paid shall become delinquent thirty (30) days after due date.

B. The County may take the following actions in response to delinquent user rates:

1. The first notice shall inform the customer of the amount due and that payment is required in full within fifteen (15) days of first notice.

2. The second notice shall inform the customer of the amount due, the number of days delinquent and of the assessment of a penalty of ten percent (10%) upon the balance owed, which penalty will be compounded monthly until payment is received.

C. The County may contract with a certified collection agency to pursue collection of delinquent Solid Waste fees. The County Commission shall approve the terms the collection agency may impose.

D. The County may bring a civil action as provided by law against any owner or responsible party for collection of the rates established and imposed by this Ordinance and may recover in addition to said rates, lawful interest, costs and attorney fees.

E. The County may impose a lien on the land and real estate for which delinquent solid waste fees are due and owing, as security and evidence for payment of the debt owing to the County, as provided by law.

F. The County may otherwise enforce any provision of this Ordinance by any appropriate civil action and remedy provided by law.

G. The County Manager or Finance Supervisor may make Solid Waste Billing adjustments to customers when situations allow:

1. Billing adjustments may be made when;
 - a. Exemptions are granted and the customers account must be to adjust to reflect the effective date of the exemption.
 - b. When a customer claims and justifies that Solid Waste Billing was done in error as determined by the County.
 - c. Customer was billed for Solid Waste Service and no service is provided by the County.
 - d. In cases where medical absences for periods exceeding six-months due to medical situation.

H. Any County Commission Directive or policy approved for adjusting rates. Provides that for and as a result of nonpayment of solid waste collection and disposal fees as required by this Ordinance, the County may impose a property lien upon the land and real estate constituting the premises and unit upon which said fees are assessed.

SECTION 20: MISDEMEANOR PENALTIES

A. Any person found by any court of competent jurisdiction to be in violation of any section, requirement or other provision of this Ordinance shall be punished by a fine of not less than FIVE-HUNDRED (\$ 500.00) DOLLARS nor more than ONE-THOUSAND (\$ 1,000.00) DOLLARS, or by imprisonment for not more than 90 days, or by both a fine and imprisonment, for each offense.

B. In addition to the penalty provided under Subsection A above, any person found guilty of discarding or disposing of refuse, litter or garbage on public or private property in any manner other than by disposing it in an authorized container, convenience center or landfill, or a homeowners waste pit, shall be punished by a fine not to exceed ONE THOUSAND (\$1,000.00) DOLLARS, as permitted by Section 4-37-3, NMSA 1978;

C. In addition to the penalty provided under Subsection A above, any person found guilty of improperly or illegally disposing of hazardous materials or

waste in any manner other than as provided for in the Hazardous Waste Act, Chapter 74. Article 4. NMSA 1978 shall be Punished by a fine not to exceed FIVE THOUSAND (\$5,000.00) DOLLARS, as permitted by Section 4-37-3, NMSA 1978;

D. Each violation of this Ordinance shall constitute a separate offense, and each day an offense continues shall also constitute a separate and distinct offense.

SECTION 21: SEVERABILITY

If any section, provision or part of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder and the application to other persons or circumstances shall not be affected thereby.

SECTION 22: EFFECTIVE DATE

The effective date of this Ordinance shall be thirty (30) days after it has been recorded in the office of the San Miguel County Clerk, as required by Section 4-37-9, NMSA 1978.

SECTION 23: AMENDMENTS

This Ordinance was adopted by the Board of County Commissioners on February 10, 2004, and filed for record in the office of the San Miguel County Clerk on February 10, 2004, in Miscellaneous Book 240, beginning at page 5172, and includes amendments adopted and ordained by the Board of County Commissioners on November 11, 2008, which amendments became effective 30 days after this document, being the parent ordinance and amendments, was filed for record in the office of the San Miguel County Clerk.

MOVED, SECONDED, ADOPTED AND ORDAINED this 11th day of November, 2008, after notice and public hearing as required by law, by the Board of County Commissioners of San Miguel County, New Mexico.



David R. Salazar, Chairman



June J. Garcia, Vice Chairman



Kenneth C. Medina, Member



Hugh H. Ley, Member

Albert J. Padilla, Member

(SEAL)

ATTEST



Paul Maez, County Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Jesus L. Lopez, County Attorney