

THE VILLAGE OF TAOS SKI VALLEY

ORDINANCE NO. 2011-49

ADOPTING AN ORDINANCE PROVIDING FOR PROPER DISPOSAL OF SOLID WASTE AND A FEE FOR SOLID WASTE DISPOSAL

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to benefit the public health, safety and welfare of the residents of the Village of Taos Ski Valley (Village). This Ordinance also provides for the orderly and efficient handling of Solid Waste within the Village and allows the Village to provide quality Solid Waste management at an economical price. This Ordinance shall be known as the Solid Waste Ordinance.

SECTION 2. DEFINITIONS.

- A. "Village Environmental Service Charge" or "VESC" means the Village service charge as established herein.
- B. "Collection" –The aggregation of Solid Waste, Mixed Municipal Solid Waste, Commercial and Industrial Solid Waste, Construction and Demolition Solid Waste, Yard Waste and Recyclable Materials from the place at which they are generated and includes all activities up to the time they are delivered to a waste management or recycling facility.
- C. "Commercial or Industrial Establishment"- Any premises where commercial, industrial or institutional enterprise of any kind is carried on and shall include restaurants, clubs, churches, schools and other institutions.
- D. "Commercial and Industrial Solid Waste"-
 - 1. Garbage, refuse and other Solid Waste from Commercial and Industrial establishments that the generator of the waste aggregates for collection.
 - 2. Commercial and Industrial Waste does not include tanning shavings, leather scraps, rubber and polyurethane composite leather-ware components, auto hulks, street sweepings, ash, construction and demolition debris, mining waste, sludge, tree waste, waste from agricultural activities, tires, lead acid batteries, motors, vehicle fluids and filters or materials separated by the generator for recycling.
- E. "Construction and Demolition Debris Solid Waste"-
 - 1. Solid Waste from construction, remodeling and repair of buildings, roads and other structures and from demolition of buildings, roads and other structures, except for materials separated by the generator for recycling.
 - 2. Construction and Demolition Debris Solid Waste does not include asbestos waste, lead paint or materials with lead paint, contaminated soils or regulated hazardous waste.
 - 3. Any Construction and Demolition Solid Waste contaminated with mixed municipal

- solid waste shall be considered Mixed Municipal Solid Waste.
- F. “Contaminated”- Not in its pure state; tainted, purified or polluted.
 - G. “Mixed Municipal Solid Waste”-
 1. Garbage, refuse and other Solid Waste that the generator of the waste aggregates for collection, except as provided in subsection 2 of this definition.
 2. Mixed Municipal Solid Waste does not include auto hulks, street sweepings, ash, construction and demolition debris, mining waste, sludge, tree waste, waste from agricultural activities, tires, lead acid batteries, motors, vehicle fluids and filters or materials separated by the generator for recycling.
 - H. “Multiple Dwelling”- Any building used for residential purposes consisting of more than one dwelling unit with individual kitchen facilities.
 - I. “Recyclable Materials”- Materials such as office paper, newsprint, glass, bottles, jars, aluminum cans, tin cans, recyclable plastics or other materials designated for separation by the Director of Public Works.
 - J. “Refuse”- includes all drained organic material resulting from food preparation, spoiled or decayed food from any source, contaminated bottles, cans glassware, paper or paper products, crockery, rags, discarded clothing, and other waste products, except human waste or waste resulting from building construction or demolition, except for recyclable materials designated by the Public Works Director.
 - K. “Residential Dwelling”- Any single family building with a kitchen facility.
 - J. “Responsible Tenant” – Any occupant, tenant, owner, manager, operator or custodian of any Residential Dwelling or Multiple Dwelling and any person owning or operating a Commercial or Industrial Establishment in the Village.
 - M. “Solid Waste”- Has the meaning given to it in §74-9-3N NMSA 1978 as amended.
 - N. “Source Separation”- To divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.
 - O. “Yard Waste”- Garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste and prunings.

SECTION 3. VILLAGE SERVICE; RESIDENTIAL COLLECTION REQUIREMENTS.

The Village has for many years operated a Village Mixed Solid Waste and Recyclable Materials Service (Village Service) and all Responsible Tenants of Residential and Multiple Dwelling have collected their Solid Waste and transported it to the Village Service center. All such tenants, as well as generators of Commercial and Industrial Solid Waste shall only dispose of their Solid Waste via the Village Service and shall not dispose of it within the Village by any other means. However, in unusual cases where the disposal of Solid Waste through the Village Service is impractical or where large quantities of excess volumes need to be disposed of, the generator may, upon receiving written approval from the Public Works Director, transport and dispose of such Solid Waste pursuant to Federal, State and County laws and at facilities permitted under such laws.

SECTION 4. STORAGE AND DISPOSAL.

- A. It is unlawful for any Responsible Tenant to store Mixed Municipal Solid Waste on the premises for more than one week. All such storage shall be in plastic bags and kept in sealed, bear proof containers. The containers shall be maintained in a clean and sanitary condition. Large items may be disposed of by the Tenant in a manner approved by the Public Works Director. All Mixed Municipal Solid Waste shall be separated from the Recyclable Materials prior to disposal, except if the Recyclable Materials have been contaminated.
- B. It is unlawful for any person to store putrescible Waste on Commercial or Industrial Establishment premises for more than 72 hours, or any waste of any type for more than one week, unless written approval is received from the Village authorizing a longer storage period. Such storage shall be in containers with close fitting, sealed, bear proof covers and enclosed in plastic bags.
- C. The Village will provide for disposal of all Mixed Municipal Solid Waste and Recyclable Materials in a sanitary manner to insure the health, safety and welfare of its visitors and residents, and shall set all fees and charges in relation thereto, under such terms and conditions as the Village may, from time to time, deem appropriate. The Village may collect such fees and charges in a civil action as provided by law. Disposal of Recyclable Materials shall be as follows: Glass bottles, jars, aluminum and tin cans, and recyclable plastics shall be cleaned, rinsed and placed in separate paper bags. Lids and caps shall be removed. All items will be deposited in the appropriate container at the recyclable materials site. No window glass, light bulbs or ceramic glass will be accepted. Newsprint, magazines, catalogs, glossy paper and office paper shall be bundled and tied or placed in grocery sized paper bags. All paper must be kept dry. Cardboard and boxes shall be flattened for disposal. Cereal, Kleenex and similar boxes are acceptable. No waxed cardboard is permitted. All plastic bottles and food containers are acceptable (numbered 1 through 7). All containers shall be clean. No plastic swimming pools, tricycles, toys or similar materials are accepted. Remove all caps and lids. No plastic bags or Styrofoam are accepted. Paper bags shall be used when bagging these items. All Recyclable Materials stored in paper or plastic bags shall be removed from said bags when disposed of at the Solid Waste site and placed in the appropriate bins. Failure to empty the bags causes contamination of the entire bin of recyclable materials.
- The Public Works Director may amend or expand preparation requirements.
- D. Ownership of the Mixed Municipal Solid Waste or designated Recyclable Materials shall be vested in the Village upon disposal at the Solid Waste site.
- E. It is unlawful to store organic waste unless it is drained, wrapped and/or stored in a leak-resistant container.

SECTION 5 DISPOSAL:

It is unlawful for any person to dispose of or deposit any nonrecyclable material, waste, garbage, rubbish, offal or the body of a dead animal, in any place within the Village except as provided in this ordinance. It is unlawful for any person to dispose of or deposit nonrecyclable materials in a recyclable materials bin.

SECTION 6 FIRE DANGER

It is unlawful for any person to store, deposit or dispose of any Waste which is in flames or heated to the point where it could cause a danger of fire in other Waste.

SECTION 7 SPRING AND FALL CLEANUP

Notwithstanding any other provision of this ordinance, in order to facilitate the spring and fall cleanup, Responsible Tenants may deposit in the special bins provided large items for disposal.

SECTION 8 SPECIAL WASTE DISPOSAL

The Village service can provide for a separate disposal of various problem materials not normally allowed to be disposed of in the bins provided. This includes nonhazardous wastes. Arrangement for special disposal of specific Wastes or Recyclable Materials must be by permission in writing from the Village Public Works Director and accomplished under his direction. Management of all such Waste must be at State, County or other local facilities.

SECTION 9 VIOLATIONS

- A. Any person who violates any provision of this ordinance shall be subject to a fine of not less than \$250.00 and not more than \$500.00. Each day a violation continues shall constitute a separate offense.
- B. This Ordinance, in addition to other remedies, may be enforced by injunction, action or compel performance or other appropriate remedies in District Court to prevent, restrain, correct or abate violations.

SECTION 10 RIGHT OF APPEAL

Any person aggrieved by a decision of the Village Public Works Director in accordance with the provisions of this Ordinance shall have the right to appeal the decision by serving the Village Administrator or Clerk with a request for hearing before the Village Council. The request for hearing must be served within 30 days after the date of decision by the Public Works Director.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2011.

Vote: For 4 Against 0

Neal King
Neal King, Mayor

ATTEST:

Vanessa Chisholm
Vanessa Chisholm, Village Clerk

