



FILED OR RECORDED
BOOK 1119 PAGE 624
SAN JUAN COUNTY, NEW MEXICO

JUL 27 1990

SAN JUAN COUNTY
AMENDED
ORDINANCE NO. 4

AT 11:50 O'CLOCK A.M.
Carol [unclear]
COUNTY CLERK
[unclear]
DEPUTY [unclear]

A COUNTY ORDINANCE DEFINING REFUSE, LITTER, GARBAGE AND HAZARDOUS WASTE; PROVIDING PENALTIES FOR THE UNLAWFUL DISPOSAL THEREOF; AND PROVIDING PENALTIES FOR THE UNLAWFUL TRANSPORTATION OF BURNING OR SMOLDERING REFUSE; AND PROVIDING THE MANNER OF ENFORCEMENT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, SAN JUAN COUNTY, NEW MEXICO.

SJC-4-1 REFUSE, LITTER OR GARBAGE DEFINED. Refuse, litter or garbage is defined as any article or substance:

- A. Which is commonly discarded as waste; and
- B. Which, if discarded on the ground or other surface, will create or contribute to an unhealthy, unsanitary, offensive or unsightly condition.

Refuse, litter or garbage includes, but is not limited to, the following items or classes of items: waste food; waste paper and paper products; cans, bottles or other containers, regardless of the material from which they are constructed; junked household furnishing and equipment; junked parts of automobiles and all other metallic junk or scrap; portions, parts or carcasses of dead animals; collections of ashes, dirt, yard trimmings or other rubbish; and liquids, including septage, whether or not classified as hazardous waste under the Hazardous Waste Act (Chapter 74, Art. 4, NMSA 1978 Comp.)

SJC-4-2 HAZARDOUS WASTE DEFINED. Hazardous waste are those wastes listed, identified and declared to be hazardous by the New Mexico Environmental Improvement Board (EIB) and those identified and listed under the Federal Resource Conservation and Recovery Act of 1976. Hazardous wastes shall include radioactive materials as defined in Section 74-4A-1(B), NMSA 1978 Comp., as amended.

Hazardous wastes shall also include those defined in Section 74-4A-4(C), NMSA 1978 Comp., as amended.

SJC-4-3 DISCARDING OR DISPOSING OF REFUSE, LITTER OR GARBAGE. It shall be unlawful to discard or dispose of refuse, litter or garbage:

A. On public or private property, including rights-of-way, in any manner other than by disposing of it in an authorized landfill. For the purposes of this ordinance, the metal transfer boxes and compaction stations operated by San Juan County shall be considered a part of the authorized regional landfill.

B. Whoever is found guilty of violating this section shall be imprisoned for not more than ninety (90) days or fined an amount not to exceed One Thousand Dollars (\$1,000), or both such fine and imprisonment.

SJC-4-4 DISCARDING OR DISPOSING OF HAZARDOUS MATERIALS OR WASTES. It shall be unlawful to improperly or illegally dispose of hazardous materials or wastes:

A. In any manner other than as provided in the Hazardous Waste Act, Chapter 74, Articles 4 and 4A, being Sections 74-4-1, et seq. and 74-4A-1, et seq., NMSA 1978, as amended.

B. Whoever is found guilty of violating this section shall be imprisoned for not more than ninety (90) days or fined an amount not to exceed Five Thousand Dollars (\$5,000), or both such fine and imprisonment.

SJC-4-5 TRANSPORTING BURNING OR SMOLDERING REFUSE. It shall be unlawful to transport or cause to be transported over the public roads of this county any burning refuse or material, whether smoldering or flaming, in any vehicle or container which is not sealed and which allows any sparks, embers, or any particles in any state of combustion to escape therefrom.

Whoever commits unlawful transportation of burning or smoldering refuse is guilty of a misdemeanor and shall be fined not to exceed Three

Hundred Dollars (\$300) or imprisoned for not more than ninety (90) days, or both such fine and imprisonment.

SJC-4-6 TRANSPORTATION OF REFUSE, LITTER OR GARBAGE IN UNCOVERED OR OPEN VEHICLES OR CONTAINERS. It shall be unlawful to:

A. Transport or cause to be transported over the public roads of this county any refuse, litter or garbage in uncovered containers, including vehicles, in such a manner as to allow said refuse, litter or garbage to escape therefrom.

B. Whoever is found guilty of violating this section shall be imprisoned for a term not to exceed ninety (90) days and fined not to exceed Three Hundred Dollars (\$300), or both such fine and imprisonment.

SJC-4-7 VIOLATIONS MAY BE MULTIPLE. Any violation of sections SJC-4-5 and SJC-4-6 may also constitute a violation under sections SJC-4-3 and SJC-4-4; provided that the total fine and imprisonment for multiple violations shall not exceed the penalties imposed under sections SJC-4-3 and SJC-4-4.

SJC-4-8 EMERGENCY CLAUSE. The Board of County Commissioners of San Juan County hereby declares that pursuant to Section 4-37-7(C), NMSA 1978 Comp., there is hereby declared to be an immediate danger to the public health, safety and welfare of the citizens of this county unless this ordinance takes effect upon its publication and passage.

SJC-4-9 ENFORCEMENT. This ordinance may be enforced by:

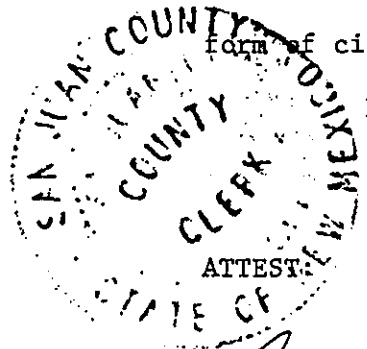
A. Any law enforcement officer having jurisdiction in the County of San Juan.

B. Any code enforcement officer of San Juan County.

C. Any employee(s) of San Juan County authorized by the Board of County Commissioners to issue citations for violations of this ordinance.

For enforcement purposes, the County shall prepare an acceptable form of citation for violations of this ordinance.

FINAL APPROVAL this 26th day of July, 1990.



ATTEST:

Carro Sandy
County Clerk

BOARD OF COUNTY COMMISSIONERS
SAN JUAN COUNTY

Donald Benally
Donald Benally, Chairman

Michael B. Sullivan
Michael B. Sullivan, Chairman Pro Tem

Danny Carpenter
Danny Carpenter, Member

Gordon Crane
Gordon Crane, Member

Sherry L. Galloway
Sherry L. Galloway, Member



RECORDED
BOOK 788 PAGE 30
SAN JUAN COUNTY, NEW MEXICO
JUNE 7, 1977
AT 8:35 O'CLOCK A M
County Clerk
Deputy

A COUNTY ORDINANCE DEFINING REFUSE AND PROVIDING PENALTIES FOR THE UNLAWFUL DISPOSAL OF REFUSE; AND PROVIDING PENALTIES FOR THE UNLAWFUL TRANSPORTATION OF BURNING OR SMOULDERING REFUSE; AND PROVIDING THE MANNER OF ENFORCEMENT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY COMMISSIONERS.

SJC-4-1 REFUSE DEFINED. Refuse means any article or substance:

- A. Which is commonly discarded as waste; or
- B. Which, if discarded on the ground, will create or contribute to an unsanitary, offensive or unsightly condition.

Refuse includes, but is not limited to, the following items or classes of items: waste food; waste paper and paper products; cans, bottles or other containers; junked household furnishing and equipment; junked parts or bodies of automobiles and other metallic junk or scrap; portions or carcasses of dead animals; and collection of ashes, dirt, yard trimmings or other rubbish.

SJC-4-2 DISCARDING OR DISPOSING OF REFUSE. It shall be unlawful to discard or dispose of refuse:

- A. On public property in any manner other than by placing the refuse in a receptacle provided for such purpose by the responsible governmental authorities, or otherwise in accordance with lawful direction in a county operated sanitary landfill, or
- B. On private property not owned or lawfully occupied or controlled by the person, except with the consent of the owner, lessee or occupant thereof.

Whoever commits unlawful disposal of refuse is guilty of a misdemeanor and shall be fined not to exceed three hundred dollars (\$300.00) or imprisonment for ninety (90) days, or both such fine and imprisonment.

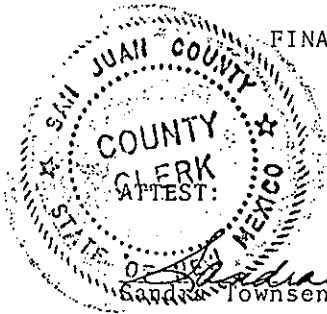
SJC-4-3 TRANSPORTING BURNING OR SMOULDERING REFUSE. It

shall be unlawful to transport or cause to be transported over the public roads of this county any burning refuse or material, whether smouldering or flaming, in any vehicle or container which is not sealed and which allows any sparks, embers, or any particles in any state of combustion to escape therefrom.

Whoever commits unlawful transportation of burning or smouldering refuse is guilty of a misdemeanor and shall be fined not to exceed three hundred dollars (\$300.00) or imprisoned for not more than ninety (90) days, or both such fine and imprisonment.

SJC-4-4 ENFORCEMENT. The provisions of this ordinance may be enforced by any county, state, or other law enforcement officer and said officer may arrest the offender for a violation on view or on a warrant issued by a court of competent jurisdiction. The use of the uniform traffic citation is authorized for the enforcement of this ordinance.

FINAL APPROVAL THIS 6th DAY OF JUNE, 1977.



Sandra Townsend
Sandra Townsend, Clerk

BOARD OF COUNTY COMMISSIONERS
SAN JUAN COUNTY

Jim T. Dunlap
Jim T. Dunlap, Chairman

James D. Carpenter
James D. Carpenter, Commissioner

H. J. "Jim" Young
H. J. "Jim" Young, Commissioner