



## **CITY OF BLOOMFIELD, NEW MEXICO Ordinance 498**

**AN ORDINANCE AMENDING ORDINANCE 26, 90, 105, 128, 146, 152, 159, 185, 190, 198, 246, 255, 270, 280, 290, 300, 320, 326, 417, 436, and 464 RELATING TO MUNICIPAL SOLID WASTE**

**WHEREAS, Chapter Nine (9) of the Bloomfield Municipal Code Governs Municipal Solid Waste,**

**Whereas, the City of Bloomfield desires to revise and update the following provisions within Chapter Nine (9)**

### **Chapter 9 –MUNICIPAL SOLID WASTE**

#### **Sec. 9-1. – Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

#### **Ashes**

The residue from the burning of wood, coal, coke or other combustible material.

#### **Bag**

A closed container of moisture-resistant plastic, paper or other pliable material which is waterproof and capable of holding solid waste during normal handling conditions and which is of sufficient strength to contain the contents put into it without breaking or rupturing.

### **Brush**

A volunteer growth of bushes and such as is growing out of place in the location where growing and shall include all cuttings from trees and bushes; also, high and rank vegetable growth which may conceal filthy deposits.

### **City Manager or Designee**

The city manager may employ the number of persons necessary to maintain efficient garbage collection service and shall designate the code enforcement officer as the person responsible for the enforcement of this article. Nothing in this article shall be construed as delegating any rule-making authority of the city to any person other than the city manager within the administration of the city.

### **Collection Agency**

The city, or other collectors authorized by the city, shall collect all refuse within the city. No person, except as provided in this article, shall collect or gather refuse within the city.

### **Combustible Trash**

Includes paper, cardboard, leaves, straw, grass clippings, sawdust, shavings, small tree and shrub clippings, and all similar flammable or combustible material which has been discarded.

### **Commercial Premises**

Commercial premises means and includes all premises except residential premises. This term specifically includes, a building or place used as an office or for other business or commercial purposes, but is not limited to, any and all facilities operated by or for the benefit of city, county, special districts, school districts, state, federal, and other governmental entities within the city

### **Commercial Container**

Metal or plastic containers supplied by contractor affording capacity to service a customer so as to prevent spillage, unsightly and unsanitary conditions.

### **Construction and Demolition Debris**

Materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing materials, pipe, gypsum wallboard and lumber from the construction or demolition of a structure as part of a construction or demolition project, and includes rocks, soil, tree remains, trees and other vegetative matter that normally results from land clearing or land development operations for a construction project, but if construction and demolition debris is mixed with any other types of solid waste, whether or not originating from the construction project, it loses its classification as construction or and demolition debris.

### **Contractor**

Any individual or business that the city has an existing legal and exclusive contract for pickup, hauling or disposal of all solid waste, refuse and recyclables within the city.

### **Curbside**

That portion of the right-of-way adjacent to paved or traveled roadways.

### **Debris**

Automobile frames, loose brush, dirt, concrete, rocks, bricks, lumber, plaster, sand, gravel, or other waste construction materials.

### **Garbage**

Includes any and all accumulation of putrescible or decomposable animal and vegetable wastes resulting from the process, storage, sale, handling, preparation, cooking, serving or consumption of food, of any kind.

### **Handbill**

A printed advertisement or other notice distributed by hand.

### **Hazardous Waste**

1. All waste defined or characterized as hazardous by the federal Solid Waste Disposal Act (42 U.S.C. § 6901 et seq.), as amended, including the Resource Conservation and Recovery Act of 1976 and all future amendments thereto, or regulations promulgated there under and

2. All waste defined or characterized as hazardous by the principal agencies of the State of New Mexico having jurisdiction. Hazardous Waste shall not include incidental

household Hazardous Waste or Small Quantity Generator Waste (as defined by the Solid Waste Disposal Act) that is commingled with refuse.

### **Home Composting**

The controlled decomposition of organic material, including, without limitation, yard trimming and kitchen scraps, into humus by any person owning or occupying any place or premises in the City of Bloomfield.

### **Litter**

Scattered refuse or rubbish.

### **Miscellaneous Special Waste**

Any waste meeting the descriptions which follow is a "special waste," but is referred to as "miscellaneous special waste":

1. Chemical waste from a laboratory. (This is limited to discarded containers of laboratory chemicals, lab equipment, lab clothing, debris from lab spills, or cleanup and floor sweepings)
2. Articles, equipment and clothing containing or contaminated with polychlorinated biphenyls (PCB's). (Examples are: PCB capacitors or transformers, gloves or aprons from draining operations, empty drums that formerly held PCB's, etc. Note: PCB solids, semi-solids or liquids delivered in bulk or drums are not "miscellaneous special waste" but are "special waste.")
3. "Empty" containers of waste commercial products or chemicals. (This applies to a portable container which has been emptied, but which may hold residuals of the product or chemical. Examples of containers are: portable tanks, drums, barrels, cans, bags, liners, etc. A container shall be determined "empty" according to the criteria specified at 40 C.F.R. 261.7.
4. Asbestos containing waste from building demolition or cleaning. (This applies to asbestos bearing waste insulation materials, such as wall board, wall spray coverings, pipe insulation, etc. Note: "special waste," but not a "miscellaneous special waste.")
5. Commercial products or chemicals: off-specification, outdated, contaminated or banned. (This also includes products voluntarily removed from the market place by a manufacturer or distributor, in response to allegations of adverse health effects associated with product use)
6. Residue and debris from cleanup of spills or releases of a single chemical substance or commercial product or a single waste which would otherwise qualify as a

miscellaneous special waste. (Note: residue and debris from spills or releases not meeting this definition are "special waste" not "miscellaneous special waste.")

7. Waste from a medical practitioner, hospital, nursing home, medical testing laboratory, mortuary, taxidermist, veterinarian, veterinary hospital or animal testing laboratory. This includes any waste produced at these facilities, except residue from incinerators, septic tank pumpings or wastewater treatment sludges which are all "special wastes," but not "miscellaneous special wastes." (Note: discarded chemicals from the above facilities should be treated as "chemical waste from a laboratory," as provided in subsection 5.a. above.)

8. Animal waste and parts from slaughterhouses or rendering plants. (This excludes wastes from fur or leather products manufacturers, which are "special wastes.")

9. Waste produced by the mechanical processing of fruit, vegetables or grain (This includes such wastes as finds, hulls, husks, pods, shells and chaff. Food processing wastes, which are aqueous, or sludge, which have been contaminated with dyes, additives or preservatives are "special waste," but not "miscellaneous special waste.")

10. Pumpings from septic tanks used exclusively by dwelling units. (Single-family homes, duplexes, apartment buildings, hotels or motels.)

11. Sludge from a publicly owned sewage treatment plant serving primarily domestic users. (i.e. with no substantial industrial or chemical (influent.)

12. Grease trap wastes from residences, restaurants, or cafeterias not located at industrial facilities.

13. Wash water wastes from commercial car washes. (Note: this does not include facilities used for washing the exterior of bulk chemical or waste tank trucks or for washing out the interior of any truck; such wastes are "special wastes.")

14. Wash water wastes from commercial laundries or laundromats. (Note: this does not include waste from a dry-cleaning facility or waste from a commercial laundry used by an industry to wash chemical-contaminated clothing from its workers; such wastes are "special wastes.")

15. Chemical-containing equipment removed from service. (Example: cathode ray tubes, batteries, fluorescent light tubes, etc.)

16. Waste produced from the demolition or dismantling of industrial process equipment or facilities contaminated with chemicals from the process. (Note: chemicals or wastes removed or drained from such equipment or facilities are "special wastes.")

17. Closed cartridge filters from dry-cleaning establishments. (Such filters being used to filter used dry cleaning fluids or solids.)

18. Tires.

### **Overage**

Defined as Refuse or Recyclable Materials exceeding its containers' intended capacity, or Refuse or Recyclable Materials placed on top of or in the immediate vicinity of the container.

### **Person**

Every person, firm or corporation owning, leasing, living within, conducting a place of business within, or controlling any house, single or multiple family residence unit, shop, hotel, restaurant, market, store, warehouse, apartment or tenement building, or other establishment or place of business within the city.

### **Prohibited Waste**

Items considered hazardous, such as radioactive materials, car batteries, chemicals, asbestos, pesticides, herbicides, medical waste or liquids.

### **Qualified Physically Disabled Resident**

A residential unit where there are no residents who are physically capable of moving a residential container (polycart) to and from the standard curbside location for collection.

### **Refuse**

All putrescible and non-putrescible solid, semi-solid, and liquid wastes, including residential, industrial, commercial, community, and municipal garbage, trash, paper, rubbish, ashes, and demolition and construction wastes. The term "refuse," as used herein does not include Hazardous Waste, Special Waste, or Miscellaneous Special Waste as defined in this article; designated waste or contaminants that may be injurious to personnel engaged in solid waste handling, including but not limited to infectious waste, sewage and body wastes, acids, explosives, radioactive material and septic tank pumping, large mechanical devices; or any materials that are, or in the future become, prohibited from receipt, handling or disposal as municipal solid waste by state, federal or local law, regulation, rule, code, ordinance, order, permit, or permit condition.

### **Residential Premises**

A dwelling within the City limits occupied by person or group of persons comprising not more than four (4) families. A residential premise may be deemed occupied when either water or electric services are being supplied thereto. A dwelling, whether of

single or multi-level construction; consisting of four or fewer units shall be treated as a residential premise.

### **Residential Waste**

Garbage or trash generated by a resident and placed curbside for the regular collection at a residential premise, but does not include unacceptable waste, debris or bulky waste.

### **Rubbish**

Includes but is not limited to all non-putrescible solid wastes, excluding ashes, combustible and noncombustible wastes such as paper, cardboard, cans, wood, yard clippings, leaves, dirt, bedding, weeds, litter, crockery, glass, glassware and similar materials.

### **Ruins**

The remains of something collapsed, dilapidated or destroyed.

### **Solid Waste**

Solid or semisolid discarded material, including but not necessarily limited to ashes, combustible trash, garbage, refuse and rubbish.

### **Special Waste**

Any waste from a non-residential source, meeting any of the following descriptions: A containerized waste (e.g., a drum barrel, portable tank, box, pail, etc.), waste transported in a bulk tanker, liquid waste, sludge waste, waste from an industrial process, waste from a pollution control process, residue and debris from the cleanup of a spill or release of chemical substances, commercial products, contaminated soil, water, residue, debris and articles from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, or reclamation.

### **Trash**

All household refuse other than garbage, debris, loose brush and bulky waste; trash shall include grass, yard clippings, weeds, heavy accumulations of newspaper and magazines, recyclable materials, old clothes and other household trash of like kind, but shall not include unacceptable waste.

### **Unacceptable or Unauthorized Waste**

Waste which is prohibited from disposal at a sanitary landfill by state, federal and/or local laws and regulations or hazardous waste, special waste, dead animals, except for animals euthanized under authority and direction of contractor, appliances containing chlorofluorocarbons (CFC's) that do not bear a certification tag that shows the CFC's have been properly recovered in accordance with federal and/or state laws. Includes such materials as florescent bulbs, mercury containing products, oil-based paint, latex paint (unless dry), oils, petroleum products, flammable products or explosives.

### **Unhealthy or Unsanitary Site**

A site where conditions represent a threat to human health and public safety, due to accumulations of waste material or frequency of service.

### **Unightly Site**

A site that represents a visual blight to the surrounding area.

### **Weeds**

An unsightly, useless, troublesome or injurious herbaceous plant, when such plant is out of place at the location where growing, and includes all rank vegetable growth which emits unpleasant or noxious odors, and, also, high and rank vegetable growth that may conceal filthy deposits and any plant found to be non-native, undesirable or that opposes the management objectives of the land as defined by New Mexico State University's Weeds Information website, and the Natural Resources Conservation Services (NRCS) list of invasive species.

### **Wreckage**

The broken, disrupted and disordered parts or material from a disabled, collapsed, destroyed or dilapidated structure, vehicle or other object.

### **Yard Waste**

Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative materials not greater than six inches in diameter that result from landscaping maintenance. The term does not include stumps, roots or shrubs with intact root balls. (Ord. No. 26, § 1, 8-19-59; Ord. No. 105, § 1, 10-10-77)

**Cross reference**— Definitions and rules of construction generally, [§ 1-2](#)

## **Sec. 9-2. Garbage Contractor**

The City shall contract with a suitable garbage contractor whose duty it shall be to collect and dispose of all garbage and solid waste

(Ord. No. 26, §§ 12, 13, 8-19-59)

Cross reference— Administration, [Ch. 2](#); officers generally, [§ 2-31](#) et seq.

### **Sec. 9-3. Exclusive Right of Collection City or its Agents**

The City, its duly authorized agents, servants or employees, shall have the exclusive right to gather and collect garbage or solid waste within the City limits.

(Ord. No. 26, § 2, 8-19-59)

State Law reference – Authority to collect or dispose or refuse, N.M.S.A. 1978, § 3-48-3.

### **Sec. 9-4. Containment of Refuse.**

It shall be unlawful to permit the accumulation of refuse upon any property within the City except in bags, cans or containers provided for the disposal of such refuse.

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(Ord. No. 26, § 3, 8-19-59)

### **Sec. 9-5. Proper Storage.**

**Residential Service.** This section shall apply to all owners, occupants and other persons in charge of premises in the city who receive individual residential refuse collection service.

1) Time. All residential containers (polycarts), except for those polycarts provided to a qualified physically disabled resident as defined in section 21-2, shall be placed out for pickup no later than 7:00 a.m. on the regularly scheduled collection day, but no earlier than 7:00 p.m. on the evening prior to the regularly scheduled collection day, unless otherwise authorized by the city code enforcement officer. Residential collection shall be between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday.

2) Placement for Collection. Residential containers (polycarts) shall be placed at ground level as close to the back of the front curb as possible, or within 15 feet of the edge of the roadway, where no curb is present, without causing interference with pedestrians, emergency vehicles, vehicular traffic, or fire hydrants. All containers shall be clearly visible and accessible to collection employees. All containers must be at least 4 feet from any object such as: cars, trees, mailboxes or other carts free from any obstructions, including but not limited to trees, shrubbery, walls, fences, and vehicles. If the code enforcement officer finds that service from a right-of-way is hazardous or

otherwise not feasible because of the weather or condition of the right-of-way and the customer shall keep all containers off the streets, curbs, gutters and sidewalks. They must be inaccessible animals and in places where collectors will not be exposed to animal waste, vicious or threatening animals.

3) The storage of all solid waste shall be placed so as to prevent the attraction, harborage or breeding of insects or rodents, and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances to other city residents or commercial businesses..

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### **Sec. 9-6. Material not Collected.**

No waste building material such as stone, mortar, bricks, sand, lumber, earth excavation, or any other building wastes, rubbish or refuse whatsoever, resulting from construction, repair, or reconstruction operations, will be removed by the contractor.

Such wastes or rubbish shall be removed by the contractor, owner or occupant, of the building or premises under repair, construction or reconstruction operations, at his own proper expense and at no time shall such materials be placed in any garbage contain or on, or in, any other property or vacant lot, or in any street or alley in such a manner as to obstruct the street or alley so as to inconvenience or endanger the public.

Dead animal bodies, discarded debris, auto parts, frames and other heavy or bulky refuse, and all industrial ashes, cinders, or wastes, resulting from manufacturing or other industrial operation must be disposed of by the owner or occupant of the building or premises in which such industrial wastes originate and shall be disposed of in such a manner and place within 48 hours

(Ord. No. 26, §§ 4, 5, 8-19-59)

### **Sec. 9-7. – Violations.**

The following acts, among others, are hereby declared to be and constitute a nuisance and in violations of this chapter:

The throwing, placing, dumping or depositing of any garbage or refuse of any kind on lots, vacant or occupied, driveways or other private property, whether such premises are owned or occupied by the person so offending or not;

The throwing, placing, dumping or depositing of any garbage or refuse of any kind on or in any gutter, street, sidewalk, parkway, driveway, curb, alley, park or any other public property of the city;

The burning of any garbage or refuse that emits foul or obnoxious odors within the city;

It shall be unlawful for any person to haul, transport, discharge, dump or unload any garbage or solid waste, at any place within the city, or within its jurisdiction, other than at such place as may be designated by the city council;

Except under conditions of emergency to be determined by the city council, it shall be unlawful for any person other than persons regularly employed by the city and under the direct supervision of the city council, to collect, remove or dispose of any garbage, within or for the city.

It shall be unlawful for any person to collect, remove or dispose of garbage for himself or any other persons within the city, for or without compensation.

No garbage solid waste shall be used for hog food unless it is first boiled before feeding to hogs in adequate equipment and in a manner approved by the health officer.

It is unlawful and a violation of this chapter for any person or entity, other than such persons as are required and authorized by this chapter, to receive refuse collection service through bins or containers provided by the city or its contractor, to deposit refuse or any other material in such bins or containers provided by the city or its contractor. The city, or its contractor, is specifically authorized to post a notice that unauthorized dumping is prohibited pursuant to this subsection.

(Ord. No. 26, § 6, 8-19-59; Ord. No. 190, § 1, 9-10-85)

## **Sec. 9-8. –Fee Schedule**

### **Residential Premises**

A dwelling within the City limits occupied by person or group of persons comprising not more than four (4) families. A residential premise may be deemed occupied when either water or electric services are being supplied thereto. A dwelling, whether of single or multi-level construction; consisting of four or fewer units shall be treated as a residential premise.

### **Residential Waste**

Garbage or trash generated by a resident and placed curbside for the regular collection at a residential premise, but does not include unacceptable waste, debris or bulky waste. Excessive and repeated overfilling of a single container may require the resident to acquire additional containers or polycarts at the additional monthly rate.

### **Commercial Waste**

Garbage or trash generated by premises except residential premises but does not include unacceptable waste, debris or bulky waste. Other than the polycarts, commercial customers may request larger dumpsters placed at the site after contractor surveys and approves serviceable area.

| <b>Bloomfield Solid Waste Monthly Rates Collection Per Week<br/>July 1, 2018</b> |                  |                  |                  |                  |                  |                  |
|--|------------------|------------------|------------------|------------------|------------------|------------------|
|  | <b>TOTAL</b>     | <b>TOTAL</b>     | <b>TOTAL</b>     | <b>TOTAL</b>     | <b>TOTAL</b>     | <b>TOTAL</b>     |
|  | <b>1 x wk</b>    | <b>2 x wk</b>    | <b>3 x wk</b>    | <b>4 x wk</b>    | <b>5 x wk</b>    | <b>6 x wk</b>    |
| <b>1 CY</b>  | <b>\$ 57.19</b>  |                  |                  |                  |                  |                  |
| <b>2 CY</b>  | <b>\$ 66.69</b>  | <b>\$ 104.93</b> | <b>\$ 143.18</b> | <b>\$ 181.35</b> | <b>\$ 219.73</b> | <b>\$ 257.24</b> |
| <b>3 CY</b>  | <b>\$ 77.48</b>  | <b>\$ 130.49</b> | <b>\$ 193.98</b> | <b>\$ 244.69</b> | <b>\$ 310.57</b> | <b>\$ 368.85</b> |
| <b>4 CY</b>  | <b>\$ 92.56</b>  | <b>\$ 153.00</b> | <b>\$ 213.45</b> | <b>\$ 265.63</b> | <b>\$ 334.38</b> | <b>\$ 394.78</b> |
| <b>6 CY</b>  | <b>\$ 121.31</b> | <b>\$ 194.55</b> | <b>\$ 267.73</b> | <b>\$ 330.89</b> | <b>\$ 414.02</b> | <b>\$ 484.64</b> |
| <b>8 CY</b>  | <b>\$ 161.79</b> | <b>\$ 238.95</b> | <b>\$ 316.09</b> | <b>\$ 381.38</b> | <b>\$ 470.40</b> | <b>\$ 547.56</b> |

|                          |                                 |
|--------------------------|---------------------------------|
| <b>Residential Carts</b> | <b>\$ 11.45</b>                 |
| <b>Add'l Res Carts</b>   | <b>\$ 3.35</b>                  |
| <b>Commercial Carts</b>  | <b>\$ 15.39</b>                 |
| <b>Cart Replacement</b>  | <b>Current Replacement Cost</b> |

**Service Required**

The owners, occupants, or tenants of all residences or dwellings within the city limits are required to receive and pay for the solid waste collection service of the contracted vendor whether actually utilized or not on a monthly basis.

Rates nonseparable. Rates herein imposed shall be nonseparable from the water and/or sewer charges imposed by the City. Any and all regulations, procedures or

policies adopted by the City heretofore, or hereafter regarding payment of water and/or sewer charges shall apply to the payment of solid waste collection rates where applicable.

**Lien against property.** The rates imposed herein are hereby assessed against the properties receiving or benefiting from such solid waste collection service. If such rates are not paid within thirty (30) days after billing, then such amount assessed shall be a lien upon the property receiving or benefiting from such service.

(Ord. No. 26, § 7, 8-19-59; Ord. No. 90, § 1, 6-28-76; Ord. No. 105, § 2, 10-10-77; Ord. No. 128, §§ 1—4, 12-10-79; Ord. No. 146, §§ 1, 2, 8-10-81; Ord. No. 152, §§ II—VI, 1-25-82; Ord. No. 159, § 3, 12-13-82; Ord. No. 185, §§ 1—3, 3-25-85; Ord. No. 198, §§ 1—3, 3-23-87; Ord. No. 246, §§ 1—3, 1-27-92; Ord. No. 255, §§ 1—3, 2-23-93; Ord. No. 270, §§ 1—3, 7-25-94; Ord. No. 280, §§ 1—3, 6-12-95; Ord. No. 290, §§ 1—3, 8-12-96; Ord. No. 300, §§ 1—4, 7-14-97; Ord. No. 320, §§ 1—3, 7-27-98; Ord. No. 326, §§ 1—3, 12-28-98; ; [Ord. No. 417](#), §§ 1—3, 4-28-08; Ord. No. 436, §§ 1—3, 4-26-10; [Ord. No. 464](#), §§ 1—3, 4-28-14)

### **Sec. 9-9. – Billing**

The Utilities Department will bill the established owner, occupant, or tenant on a monthly basis according to the rate schedule in Sec. 9-8 Rates. Failure on the part of any person to receive such notice shall in no way relieve persons from the responsibility to pay nor shall such failure relieve the owner of any property from the effect and operation of the lien for such sum, provided by statute. Containers may be removed from service address due to delinquency and nonpayment.

(Ord. No. 26, § 8, 8-19-59)

### **Sec. 9-15. Cleanliness of Property.**

It shall be unlawful for the owners or occupants of commercial or residential land of all kinds, including undeveloped land, to fail to maintain such property, including sidewalks, curbs, parking and adjacent rights-of-way, including alleys, in a clean and litter-free manner.

### **Sec. 9-16. Sweeping Litter onto Streets, Alleys or Sidewalks.**

It shall be unlawful for any person to sweep litter, debris or yard waste onto the streets, alleys or sidewalks from adjacent property.

### **Sec. 9-17. Nuisance on Property.**

It shall be unlawful for an owner or occupant to create or allow a nuisance to remain upon his property or any lot occupied by him. Such nuisance may include decaying vegetable or animal matter that causes an offensive odor or health hazard.

### **Sec. 9-18. Dumping of Litter.**

1. It shall be unlawful to dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in this city or upon or into any river, lake, pond or other stream or body of water or upon or into any roadside, ditch, glade, or arroyo in this city, unless:
  - a. The property has been designated by the city for the disposal of litter, or
  - b. The litter is placed in a receptacle or other container intended by the owner or tenant of that property for the deposit of litter.
  
2. All complaints of alleged illegal dumping or disposal of litter in violation of this section, shall be investigated by the city. Enforcement officers shall, wherever practicable, inspect any illegally disposed litter found on any street, alley, public place, private place, or trash receptacle where trash was deposited by others not in control or not having ownership of such property, for any traceable ownership. Any personal identification or traceable ownership found in illegally dumped litter shall constitute prima facie evidence that the person whose identifying information is found, is presumed as the owner of such litter who dumped or placed such litter at the point where the violation occurred.

### **Sec. 9-19. Handbill Distribution.**

It shall be unlawful to:

1. Place, throw or deposit any handbill in or upon any sidewalk, street or other public place within the city;
  
2. Place, throw or deposit any handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle willing to accept it;
  
3. Place, throw or deposit any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant;
  
4. Place, throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words "no trespassing," "no peddlers or solicitors," "no advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have the right of privacy disturbed or have any such handbill left upon such premises;
  
5. Place, throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. However, if

inhabited private premises are not posted, as provided in this section, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or upon the sidewalks, streets or other public places within the city, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations. This subsection shall not apply to the distribution of mail by the United States or to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or adjacent private property;

6. Throw out, drop or deposit within the city any litter, handbill or any other object from an aircraft or vehicle; or

7. Post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole, tree in the public right-of-way, or upon any public structure or building.

#### **Sec. 9-20. Burning.**

The burning of trash, brush, rubbish, refuse, leaves, weeds, grass or solid waste of any nature within the city shall be prohibited without a special burn permit issued by the city fire department. The permit holder must comply with the conditions set forth in the permit and with all applicable state environmental regulations.

#### **Sec. 9-21. Cleanliness of Parking Lots.**

1. It is the obligation of the city to provide receptacles for the deposit of litter in municipal parks and parking areas and of the owner or occupant of an establishment with private parking lots to provide such receptacles.

2. The City shall have the authority to determine the number of receptacles necessary to provide proper containerization on both public and private parking lots. All such receptacles shall be properly weighted or designed to the specifications set forth by the City department as necessary to prevent spillage.

3. It shall be the responsibility of the owner or manager of each public or private parking lot to collect the refuse and trash deposited in such containers and to move this material to a city approved location for mechanical pickup.

4. It shall be the obligation of all persons using parking areas to use such refuse receptacles or containers as provided in this section for the purposes intended.

5. It shall be unlawful for any person to dump, scatter or throw upon any parking lot any refuse, litter, garbage or trash of any kind except into receptacles provided for such purpose.

## **ARTICLE II. COLLECTION AND DISPOSAL SERVICE**

### **Sec. 9-22. City's Authority.**

Pursuant to NMSA 1978, § 3-48-2, the collection and disposal of refuse in the city shall be subject to the exclusive control of the city.

Pursuant to NMSA 1978, § 3-48-3, the city may require each person owning or controlling real property to pay a reasonable fee for the collection and disposal of refuse and shall determine if the city or contractor shall collect the fee for collection and disposal of the refuse. The refuse collection fee shall only be charged against real property that is occupied or has been previously occupied. The city may require the person owning or controlling real property to pay the refuse collection fee whether or not the refuse collection is used by the person owning or controlling real property.

### **Sec. 9-23. Responsibility of Owner and Occupant of Premises.**

1. The owner of any premises, as well as the occupant thereof, shall be subject to the terms of this chapter and shall be liable for violations thereof.
2. The owner of any premises, as well as the occupant thereof, shall have the right to appeal any decision by the City Manager to the City Council

### **Sec. 9-24. Refuse Collection Generally.**

1. All refuse accumulated in the city shall be collected, conveyed and disposed of by the city or its designated contractors or agents.
2. The city, or other contractors authorized by the city, shall collect all refuse within the city. No person, except as provided in this article, shall collect or gather refuse or recyclables within the city.
3. No person shall collect, convey over any of the streets or alleys of the city or dispose of any refuse accumulated in the city except as provided in this article.
4. The City Manager or designee (contractor) has the authority to make regulations concerning the days of collection, type and location of pickup, and conveyance and disposal of refuse and to change and revoke such.

5. This chapter shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse, provided such producers or owners comply with this chapter and with any other governing law or ordinance and provided, further, that such actual producers shall not be exempt from the payment of refuse collection fees assessed by the city.

6. This section shall not prohibit refuse collected outside the city to be transported over city streets to landfills not owned or operated by the city, provided such collectors comply with the sections of this Code regarding transportation of refuse.

## **Sec. 9-25. Classification of Fees for Solid Waste and Curbside Recycling Service.**

### **1. Residential Service.**

1) Individual residential solid waste (four units or less). Individual solid waste service rates under this subsection shall be per single-family unit service rates under this subsection shall be per single-family unit. Rates shall apply to individual homes, individual mobile homes, duplexes, triplexes, fourplex units, condominiums, small mobile home parks, and multifamily or apartment buildings which contain four or fewer single-family units. *Exception: Any multi-family unit, with two or more units creating a hazard or nuisance, by having too many carts for the space allowed for cart placement. This will be determined by the Contractor and location may be required to have a commercial container in lieu of individual carts.* Each single-family unit which is subject to the individual residential service rate shall be provided with one container in which to place solid waste in accordance with the other regulations provided within this chapter. Any single-family residential unit requesting more than one solid waste ~~or recycling~~ container shall be provided with the applicable additional container and assessed the fee for the additional container. Rates are under this subsection shall be charges pursuant to the rates set forth Chapter 9-8, Fee Schedule Solid Waste Rates.

2) Extra collections for Solid Waste. Extra collection charges requiring more collections than monthly assessment and shall be determined by city and/or contractor. Rates set forth in Chapter 9-8, Fee Schedule Solid Waste Rates

3) Additional Bulky Waste Item Pickup. Additional bulky item pickup services may be available to each residence at the customer's request for an additional fee. Rates set forth in Chapter 9-8, Fee Schedule Solid Waste Rates.

4) Replacement of Lost, Stolen or Missing Polycart. Charges may be assessed to replace a lost, stolen or missing polycart. Rates set forth in Chapter 9-8, Fee Schedule,

## **Commercial Service.**

1) Commercial container service rates. The fee schedule set forth in Chapter 9-8, Fee Schedule. Solid Waste, establishes the monthly charge for specific levels of service and applies to multiunit residential service of five units or more and to all businesses.

2) Multiunit residential service (five units or more). Multiunit residential service rates under this subsection shall be charged pursuant to the Commercial container (bin) rate schedule set forth Chapter 9-8, Fee Schedule. Solid Waste Rates and shall apply to all multifamily, apartment or condominium buildings, which contain five or more units.

3) Commercial compactor units, Roll-off containers. The use of compactors, containers, dumpsters, and roll-off containers shall be the subject of private agreements between the Contractor and users to the extent possible, if not regulated by the City of Bloomfield Municipal Code. When conflicts exist as to the type, size or frequency of collection, the City Manager will make the final determination.

4) Service and payment required. The owners or occupants of all premises in the city are required to receive refuse collection, removal and disposal service and to pay the fee for such service whether utilized by such owner or occupant or not.

### **3. Additional Provisions for Residential and Commercial Service.**

1) Extra Service Charges. The City Manager shall have authority to direct the imposition of a reasonable extra service charge for special inspection work, the removal of excess amounts of refuse, landfill usage, or special handling, upon an hourly or other cost-related basis.

2) Lien for Nonpayment. The fees provided by this section are assessed against the properties within the city receiving or benefiting from such refuse collection service. If such fees are not paid within 30 days after normal city billing for such service, the amount assessed may be a lien upon the property receiving or benefiting from such service. Collection of such assessment shall be made in the manner provided by law.

3) Interruption of Service. An interruption of residential or commercial solid waste or recyclable service due to the request of a customer lasting less than 30 days will be deemed a continuation of service for the entire month and will not be the subject to credit on the customer's billing. Interruptions of service requested by the customer of greater than 30 days will be adjusted on the customer's billing on a monthly basis.

4) Other Utility Charges. The charges for residential solid waste services as provided in this section shall be nonseparable from the water and sewer charges imposed by **Chapter 9-8 Fee Schedule.**

5) State and Other Taxes. The state governmental gross receipts tax and other taxes, if applicable, shall be added to the rates and charges established by this section.

## **Sec. 9-26. Preparation of Refuse for Collection.**

**1. Containers for Individual Residential Service.** This subsection applies to all customers or users receiving individual residential service.

1) Residential Containers (Polycarts). All owners, occupants, customers or other persons in charge of any premises within the city who receive individual residential service shall place all garbage, trash, waste, refuse or recyclable material in the applicable residential container (polycart) provided to the customer by the city. Any garbage, trash, waste, refuse or recyclables must be reasonably placed within one (1) or more solid waste polycarts, a sufficient number polycarts to contain all solid waste and recyclables, accumulated between collections so that the lid closes and the total weight of the polycart does not exceed 150 pounds or 69 kilograms. Solid waste shall be placed in tied disposable bags.

2) Contagious Disease Refuse. The removal of wearing apparel, bedding or other refuse from homes or other places where highly infectious or contagious disease has prevailed shall be performed under the supervision and according to the rules and regulations of the state's environmental improvement division. Such refuse shall not be placed in bags, cans or containers for regular city collection.

3) Hazardous Refuse. No hazardous refuse, such as poison, acids, caustics, chemicals, infected materials, explosives, highly flammable or combustible materials, shall be placed in any receptacle used for collection by the city or disposed of at the sanitary landfill nor shall such be collected by the city. Hazardous refuse shall be disposed of according to regulations of the state or federal government at authorized disposal sites.

4) Boxes and Crates. All trash such as boxes, cartons and crates shall be collapsed and secured at the collection site so as to prevent movement by the elements.

5) Vegetation. Tree trimmings, hedge clippings and similar materials shall be cut to length, not to exceed four feet, and securely tied in bundles not more than two feet thick before being deposited for collection. Tree and shrubbery branches, limbs and trimmings cut by landscape or tree-service contractors or other commercial workers or resulting from land being cleared shall not be the responsibility of the city.

## **Sec. 9-27. Collection; Location; Time of Placement.**

**1. Residential Service.** This section shall apply to all owners, occupants and other persons in charge of premises in the city who receive individual residential refuse collection service.

1) Time. All residential containers (polycarts), except for those polycarts provided to a qualified physically disabled resident as defined in section 9-1, shall be placed out for pickup no later than 7:00 a.m. on the regularly scheduled collection day, but no earlier than 7:00 p.m. on the evening prior to the regularly scheduled collection day, unless

otherwise authorized by the city code enforcement officer. Residential collection shall be between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday.

2) Placement for Collection. Residential containers (polycarts) shall be placed at ground level as close to the back of the front curb as possible, or within 15 feet of the edge of the roadway, where no curb is present, without causing interference with pedestrians, emergency vehicles, vehicular traffic, or fire hydrants. All containers shall be clearly visible and accessible to collection employees. All containers must be at least 4 feet from any object such as: cars, trees, mailboxes or other carts free from any obstructions, including but not limited to trees, shrubbery, walls, fences, and vehicles. If the code enforcement officer finds that service from a right-of-way is hazardous or otherwise not feasible because of the weather or condition of the right-of-way and the customer shall keep all containers off the streets, curbs, gutters and sidewalks. They must be inaccessible to animals and in places where collectors will not be exposed to animal waste, vicious or threatening animals.

3) Removal. All emptied containers shall be removed from the curb area within 12 hours after collection.

4) Storage of Containers between Collections. All residential containers shall at all times, other than when placed for collection be kept at a minimum of 10 feet away from the pickup location within the premises of the owner, occupant, or other person in charge of the premises in such a manner so as to preclude the scattering of garbage, trash or refuse. If spilling or scattering does occur, it shall be the responsibility of the owner or occupant to remove and properly dispose of such spillage.

5) Special Service. Shall be provided to any qualified physically disabled resident, as defined in section 9-1. The contractor shall take the cart from the front of the residence to the truck and return the cart to its original location. The contractor will display the handicapped symbol or use an alternative method determined by Contractor and approved by the City for residences that qualify for such service. The utility office and/or contractor shall require documentation from customer requesting this service, documentation must include a signifying statement from a physician that the applicant is permanently, physically disabled to the extent that they cannot transport their trash to the curb for collection and the applicant must signify that there is no one residing in the residence over 12 years of age, who is able to transport the container from the residence to the designated curbside location.

**2. Commercial Service.** This section shall apply to all owners, occupants and other persons in charge of premises in the city who receive commercial refuse collection service.

1) Commercial collection shall be between the hours of 4:00 a.m. and 8:00 p.m. Monday through Friday and 4:00 a.m. to 1:00 p.m. on Saturday. The contractor shall provide collection of solid waste from commercial units a minimum of once per week. The

frequency of collection, the type of container shall be based on health, safety and convenience.

2) The Contractor shall determine the placement of commercial containers. The specific location of a container will be determined in the planning and/or building permit process and shall meet the requirements of the Bloomfield Municipal Code. The Contractor shall have input as to the location of containers on new commercial sites. The Contractor shall provide collection service for the collection of solid waste from commercial units a minimum of once per week.

3. Mixed Collection Service. Mixed Collection (mixed collection is the collection of residential-commercial in one area) shall be between 7:00 a.m. – 8:00 p.m. Monday through Friday, and 7:00 a.m. to 3:00 p.m. on Saturday.

4. Exceptions to Normal Collection Time. Collection beyond the hours established for residential or commercial customers shall be permitted only in the event of extra heavy workload, excessive equipment breakdown, or unusually heavy inclement weather. The City Manager shall approve any deviations for the established work hours.

#### **Sec. 9-28. Dead Animals.**

1. City residents will be allowed to dispose of dead animals at the landfill, operated by the Contractor, for an established fee.

2. No person shall deposit or otherwise place for collection by the city or its contractor any carcass or portion of any animal, bird or reptile

#### **Sec. 9-29. Construction Sites and Transportation of Materials.**

1. Construction site or Demolition sites producing debris roll-off containers or bins shall arrange with the city solid waste contractor for its collection and removal by obtaining container(s) from city contractor. See definition of "Contractor" in Section 9-1 of this article. A person may personally collect such debris and transport it to a state permitted landfill. Transportation shall be in a vehicle which will prevent the debris from spilling, blowing, or falling onto the street, roadway, or other property.

2. Every person who has secured a building permit from the city shall, prior to the start of any construction activity, place on those premises a container or fenced area of suitable size and design to contain all refuse that might be disturbed or removed from the premises by the wind or elements.

3. If such container or fenced area is filled, the person securing the building permit shall cause the container or fenced area to be emptied and its contents removed to an appropriate sanitary landfill.

4. No person shall allow refuse, rubbish or other waste to blow or be carried from the premises for which the building permit was secured.

5. The city shall not be responsible for the collecting or hauling of building material originating from the private property preliminary to, during or subsequent to the construction of new buildings, alterations or additions to existing buildings of whatever type or from demolition of existing structures. Such materials shall be removed by the owner of the property or by the contractor. No new certificate of occupancy shall be issued until such material has been removed by the owner or contractor. Such material shall be removed and disposed of in the designated landfill as provided in city ordinances.

6. A person engaged in demolition who has obtained a permit from the city must remove the debris and structural parts and contain their elements from scattering in the same manner as set out in sections of this Code pertaining to a construction site. The conveyance or transportation of such materials from the site shall be in accordance with city ordinances.

7. A person mixing concrete or transporting concrete on city streets shall not drop or leave waste concrete upon the city streets or upon any property within the city unless permission of the property owner is first obtained. No person shall transport concrete upon the public streets except in a proper truck or vehicle which prevents the spillage or leakage of concrete upon the public streets

#### **Sec. 9-30. Transportation of Refuse.**

1. Any vehicle used to transport refuse; trash, trees or shrubbery trimmings must have suitable covers or be secured in such a way to prevent the loss of contents on property or roadways.

2. It shall be unlawful for any person to drive or move any vehicle upon any public way unless such vehicle is so constructed or loaded as to prevent its contents from dropping, shifting, leaking or otherwise escaping there from.

#### **Sec. 9-31. Airtight Appliances, Refrigerators or Containers.**

It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance having an airtight snap lock or similar device without first removing the lock or door from the appliance, refrigerator or container. This section shall not apply to any appliance, refrigerator or container which has been placed adjacent to the building and is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. Any such appliance shall be kept from public view

**Sec. 9-32. Scavenging.**

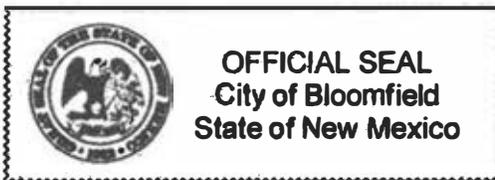
**1. Scavenging.** It is unlawful to scavenge, collect or scatter refuse at any city landfill or to scavenge, collect, or scatter refuse from any bag, container, bin or can placed or provided for collection of refuse pursuant to this chapter. City agents or employees and the contractor employed by the city for solid waste and recyclable collection service shall, in the performance of their duties, be exempt from this subsection.

**2. Dissemination.** It shall also be unlawful for any person to give, sell, show, deliver or otherwise disseminate to any other person any item removed or taken from any bag, container, bin or can placed or provided for collection of refuse pursuant to this chapter. It shall also be unlawful for any person to examine, copy, reproduce or extract information from any item placed within any such receptacle regardless of whether such item is removed or not.

**3. Exceptions.** Nothing in this section shall prohibit a person from removing refuse from a receptacle owned by or provided to that same person. This section shall not apply to any federal, state, county or city law enforcement officer acting within the scope of such officer's duties while conducting a criminal investigation

Except for the changes set forth above, the provisions of Chapter Nine (9) of the Bloomfield Municipal Code are hereby ratified and confirmed.

**Passed, Approved, Signed and Adopted this 14th day of December 2020.**



  
Cynthia Atencio, MAYOR

ATTEST:

  
Crystal L Martinez Hornberger, CITY CLERK