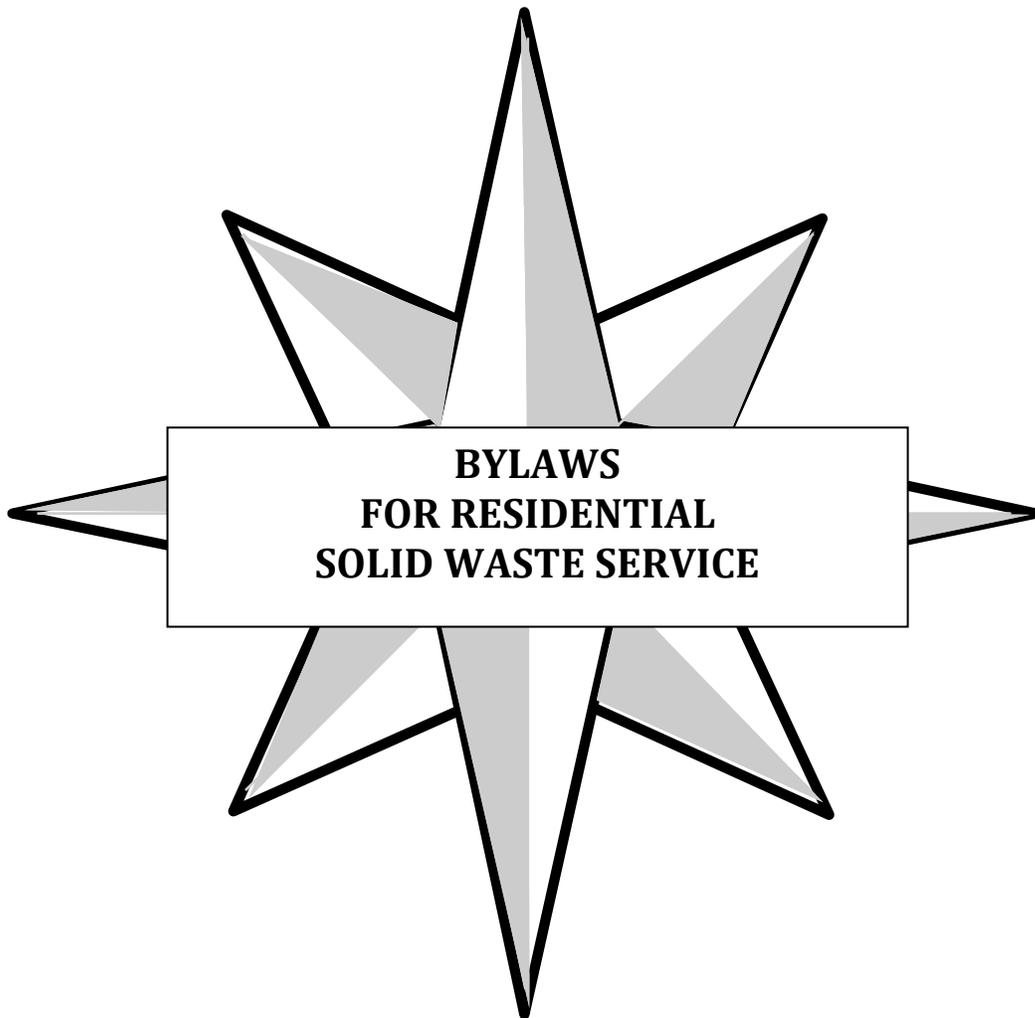


**NORTH CENTRAL
SOLID WASTE AUTHORITY**



**Passed, approved and adopted
by the NCSWA Board of
Directors May 15, 2013
Effective date May 15, 2013
Revised November 20, 2013**

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PREFACE

Purpose

The purpose of this Policy is to set forth in the general principals and procedures that shall be followed by the North Central Solid Waste Authority in the administration of residential fees, collection practices including house to house pickup and use of collection facilities and other services for residential solid waste pickup.

Policies are subject to amendment or modification as deemed necessary on a case by case basis. The North Central Solid Waste Authority reserves the right to revise policies and procedures as appropriate or in accordance with statutory mandates.

These policies are subject to amendment as the need arises. The North Central Solid Waste Authority reserves the right to change these policies and procedures whenever appropriate with the approval of the Board of Directors.

Nothing in this policy is intended, or shall constitute a contract between the North Central Solid Waste Authority and its customers.

Approval

These bylaws were approved and adopted by the North Central Solid Waste Authority Board of Directors May 15, 2013, in a properly noticed open meeting.

Prior Policies

The policies and amendments in effect prior to the adoption of these Bylaws are hereby superseded.

Interpretations and matters not covered

The NCSWA Manager may implement administrative policies with the approval of the Board of Directors as necessary to execute the provisions of the bylaws.

Amendments

These policies are adopted by the authority of the Board of Directors and may be amended by resolution annually or as deemed necessary. Proposed suggestions or amendments to these policies are welcome and may be submitted in writing to the Manager or his designee.

Modifications or suspensions

The Board of Directors may temporarily modify, waive or suspend any of these policies if it is reasonable, appropriate, lawful or necessary on a case by case basis.

SECTION I – UNINCORPORATED AREAS OF RIO ARRIBA COUNTY

CHAPTER I – GENERAL INFORMATION

1.1 Reference

- A. These bylaws are intended to support, clarify and implement the “Solid Waste Ordinance of The County of Rio Arriba, New Mexico,” ordinance 97-04, adopted by the Rio Arriba Board of County Commissioners August 28, 1997, revised April 7, 1999 and amended June 16, 1999.

1.2 Scope

- A. These bylaws apply to residential accounts in the unincorporated portion of Rio Arriba County.

1.3 Participation

- A. Participation in the solid waste collection and disposal system is mandatory for each home owner in the Authority’s service area.

CHAPTER II – CONTAINERS

2.1 Containers

- A. Where household pickup is provided, household refuse shall be placed in container(s) provided by the Authority. All materials placed out for collection must be within the container. No materials set outside or alongside the container will be collected.
- B. Drain and wrap or bag wet garbage.
- C. Nothing should stick out of the top or hang over the sides of the container.
- D. Do not place objects on top of closed lids or in front of containers.
- E. To keep container sanitary and to prevent windblown litter, all material placed in refuse containers shall be bagged with bags securely closed. Do not overload bags to ensure they do not tear if picked up by hand.

- F. It shall be the duty of the owner, manager, tenant, or occupant of any dwelling, building, or premises to keep all containers and the location in which they are placed in a clean condition and free of fly and other insect breeding and to properly store the containers when they are not put out for collection.
- G. The container must be put out by 7:00am on collection day. Emptied containers must be removed no later than the day following collection day.
- H. If refuse is not out on time, collection crews will not go back to pick it up. The trash will have to be removed from the curb or road to be picked up on the next collection day.
- I. Containers must be placed on flat, level ground at least three feet away from objects such as mailboxes, telephone pedestals or poles, vehicles, walls, fences, etc. Containers cannot be placed under telephone, cable or power lines. If two or more containers are placed near each other, they must be placed at least three feet apart.

2.2 Material

- A. House to house pickup is for household trash only and does not include yard waste or construction debris.
- B. Do not put any of the following items in the container:
 - 1) Large appliances including microwave and toaster ovens
 - 2) Furniture
 - 3) Auto parts
 - 4) Concrete, rocks, dirt or sod
 - 5) Livestock waste
 - 6) Construction, remodeling or demolition material
 - 7) Ashes, oil, gasoline, anti-freeze, paint or any form of hazardous waste
 - 8) Yard waste
 - 9) Dead animals
 - 10) Needles, syringes or other medical waste
 - 11) Tires
 - 12) Large, un-bagged or un-flattened cardboard boxes: cardboard boxes will be accepted if they are flattened, bagged and placed inside the container

2.3 Refusal of Service

- A. If the conditions of this chapter are not met, or if placement or contents of trash pose a safety hazard to Authority employees, service may be indefinitely discontinued to the service location.

CHAPTER III – FEES

3.1 Service Fee

- A. Solid waste fees are to pay for the system in place, which may include house to house pickup and use of collection facilities. Every habitable dwelling in the service area is required to have a solid waste account except as described in section 3.2.
- B. If the residence is occupied at all during the year, the homeowner is liable for this fee.
 - 1) A “summer” or “vacation” home does not qualify as a vacant home
 - 2) A rental unit temporarily unoccupied does not qualify as a vacant home

3.2 Exemptions

- A. Vacant Land: Property which has no habitable dwellings on it including mobile homes or other temporary facilities which could be used for living purposes.
- B. Vacant Home: A habitable dwelling that has been vacated for the purpose of permanently abandoning the home due to foreclosure or for the purpose of selling the home. In order to qualify for disconnection of service as a vacant home, the owner must provide proof of vacancy which includes:
 - 1) Permanent disconnection of electricity; or
 - 2) A current real estate contract with realtor or broker’s verification that dwelling is unoccupied AND electrical customer history report showing minimum usage
 - 3) If a home on vacant status is found to be occupied, the property owner will be back-billed for the entire period the account was on vacant status
 - 4) A “summer” or “vacation” home does not qualify as a vacant home

- 5) A rental unit temporarily unoccupied does not qualify as a vacant home

3.3 Discounts

- A. Year-pay: each year the Authority may offer Rio Arriba County residential customers the opportunity to pay for the year and receive a discount for the residential fee. To qualify for the discount, payment must be received in the Authority office by the deadline listed. Payments for the yearly amount received after the deadline will be credited to the account but the account will not receive the discount.
- B. Senior: each year the Authority may offer a discount to senior citizens who meet one or more of the following criteria:
 - 1) The applicant is age 65 (sixty-five) or older on January 1st of the calendar year for which the discount is to be received; or
 - 2) The applicant lives with no more than one other person at the address and both are age 65 (sixty-five) or older on January 1st of the calendar for which the discount is to be received; or
 - 3) The applicant lives alone or with no more than one other person at the address and the applicant is a caregiver for one other person of any age with documented disabilities living at the address.
 - 4) Customers requesting a senior discount will be required to provide proof of age and may be required to provide proof verifying they reside at the account address.
 - 5) The NCSWA Board of Directors may deem, in open meeting, that any discount offered be based on income. In such case, proof of income for applicant and any other resident of the home shall be required. The NCSWA Manager shall determine what constitutes proof of income. Any applicant owning or co-owning more than one habitable dwelling or other income-producing property will not be eligible for an income-based discount.

3.4 Connection

- A. Every new account will be charged a service fee which will include a non-refundable container charge and a security deposit.

3.5 Disconnection

- A. If a property is sold, the owner of record (seller) will continue to receive a bill and be responsible for the fee until s/he either provides the Authority with documentation showing that the sale has been finalized, or the Assessor's Office has received the recorded

documentation and properly updated the Rio Arriba County's property database and notified the Authority that the ownership was changed.

- B. No refund will be issued for residential customers upon disconnection. If customer has paid for the year, no refund will be issued for the remainder of the year upon disconnection.
- C. The container is assigned to the residence, not the customer, and cannot be taken if the customer moves. If the container is taken, the customer may be assessed a container replacement fee.

3.6 Container Replacement

- A. The Authority will repair minor damage from normal use. Any container damaged as a result of abuse or neglect by the property owner will be replaced at a charge equal to the non-refundable container charge.
- B. A customer reporting the container as stolen may be required to provide a police report in order to receive a replacement container.

CHAPTER IV – PERMIT CARDS

4.1 Permit Cards

- A. Each calendar year, the Authority may offer permit cards free of charge for residential customers for use at collection facilities.
 - 1) Permit cards will be issued free of charge for owner-occupied residences only.
 - 2) No permit cards will be issued free of charge for multi-family residential properties.
 - 3) Permit cards will be issued free of charge only for accounts that are up-to-date. No permit cards will be issued free of charge for accounts with past due balances, accounts on payment plans, accounts in collections, or accounts for which liens have been filed.
 - 4) Account must have been active and current for at least six months to receive permit card free of charge.
 - 5) Customers paying the discounted senior rate will receive one-half the number of "punches" (uses) as customers paying the regular rate.
 - 6) To receive the free permit card, the customer may:

- a) Request the card be mailed via regular US postal mail. The customer assumes all responsibility for delivery. Cards "lost in the mail" will not be replaced free of charge.
- b) Pay for certified mailing via US postal service.
- c) Pick up the card in person (account holder must pick up the card, signature required).

CHAPTER V – HOLIDAY SCHEDULE

- A. Each year the Board of Directors will adopt a Holiday Resolution for the upcoming calendar year. Generally, no solid waste collection service will be provided on New Year's Day, Fourth of July, Thanksgiving Day, or Christmas Day. Collections will be made the day following the holiday and subsequent collection days during the holiday week will take place on the day after their normal collection day.

SECTION 2 – CITY OF ESPAÑOLA

CHAPTER I – CONTAINERS

1.1 Containers

- A. Where household pickup is provided, household refuse shall be placed in container(s) provided by the Authority. All materials placed out for collection must be within the container. No materials set outside or alongside the container will be collected.
- B. Drain and wrap or bag wet garbage.
- C. Nothing should stick out of the top or hang over the sides of the container.
- D. Do not place objects on top of closed lids or in front of containers.
- E. To keep container sanitary and to prevent windblown litter, all material placed in refuse containers shall be bagged with bags securely closed. Do not overload bags to ensure they do not tear if picked up by hand.
- F. It shall be the duty of the owner, manager, tenant, or occupant of any dwelling, building, or premises to keep all containers and the location in which they are placed in a clean condition and free of fly and other insect breeding and to properly store the containers when they are not put out for collection.
- G. The container must be put out by 7:00am on collection day. Emptied containers must be removed no later than the day following collection day.
- H. If refuse is not out on time, collection crews will not go back to pick it up. The trash will have to be removed from the curb or road to be picked up on the next collection day.
- I. Containers must be placed on flat, level ground at least three feet away from objects such as mailboxes, telephone pedestals or poles, vehicles, walls, fences, etc. Containers cannot be placed under telephone, cable or power lines. If two or more containers are placed near each other, they must be placed at least three feet apart.

1.2 Material

- A. House to house pickup is for household trash only and does not include yard waste or construction debris.

- B. Do not put any of the following items in the container:
 - 1) Large appliances including microwave and toaster ovens
 - 2) Furniture
 - 3) Auto parts
 - 4) Concrete, rocks, dirt or sod
 - 5) Livestock waste
 - 6) Construction, remodeling or demolition material
 - 7) Ashes, oil, gasoline, anti-freeze, paint or any form of hazardous waste
 - 8) Yard waste
 - 9) Dead animals
 - 10) Needles, syringes or other medical waste
 - 11) Tires
 - 12) Large, un-bagged or un-flattened cardboard boxes: cardboard boxes will be accepted if they are flattened, bagged and placed inside the container

1.3 Refusal of Service

- A. If the conditions of this chapter are not met, or if placement or contents of trash pose a safety hazard to Authority employees, service may be indefinitely discontinued to the service location.

CHAPTER II – HOLIDAY SCHEDULE

- A. Each year the Board of Directors will adopt a Holiday Resolution for the upcoming calendar year. Generally, no solid waste collection service will be provided on New Year's Day, Fourth of July, Thanksgiving Day, or Christmas Day. Collections will be made the day following the holiday and subsequent collection days during the holiday week will take place on the day after their normal collection day.

APPENDIX I – DEFINITIONS

“Authority”, “The Authority” means North Central Solid Waste Authority.

“Commercial user” means any person(s) generating solid waste from any use other than a single-family dwelling unit.

“Container” means a poly-cart provided by the Authority or approved by the Authority.

“Vacant Home” means a habitable dwelling that has been vacated for the purpose of permanently abandoning the home due to foreclosure or for the purpose of selling the home.

“Vacant Land” means property which has no habitable dwellings on it including mobile homes or other temporary facilities which could be used for living purposes.