

VILLAGE OF RUIDOSO

ORDINANCE 2007-12

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES CHAPTER 38 ENVIRONMENT, CHAPTER 70 SOLID WASTE MANAGEMENT AND APPENDIX A FEE SCHEDULE.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO THAT Chapter 38 Environment, Chapter 70 Solid Waste Management and Appendix A Fee Schedule are hereby amended by the addition of new text and modification of existing text as follows:

Single Underline is text that is proposed for adoption Strike-out is language deleted
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Chapter 38 ENVIRONMENT

Sec. 38-62. Property nuisances.

- (a) *Prohibited conditions.* It shall be unlawful for any person owning, leasing, renting, occupying or having charge or possession of any property in the village to maintain or to allow to be maintained such property in a manner where any of the following conditions are found to exist thereon, except as may be allowed by any other provision of law, including provisions of ordinances of the village:
- (1) The accumulation of dirt, or litter ~~or debris~~;
 - (2) The accumulation and/or storage of boxes, bins, containers, lumber, junk, trash, salvage materials or other similar materials without first providing proper and tight buildings, fences or screened containment areas for storage of such material;
 - (3) Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment, machinery, refrigerators and freezers, as well as hazardous pools, ponds and excavations and/or dangerous containers in violation of section 58-51;
 - (4) Broken or discarded furniture, household equipment and furnishings, or shopping carts;
 - (5) Growth of weeds, vegetation or other nuisances which:
 - a. Are likely to harbor flies, insects, rodents or vermin;
 - b. Are dangerous to public health, safety and welfare; ~~or~~
 - c. Are obstructing a necessary view of drivers on public streets, roads or driveways;
 - d. Are anything on the New Mexico Noxious Weeds List (of particular concern is the Musk Thistle) that have not been either killed or removed;

- e. Are plants typically classified as common weeds and grasses that have been allowed to grow to over one foot in heights; or
 - f. Are not common wild flowers that may also be classified as weeds but do not appear on the noxious weeds list that have been allowed to mature without obstructing visibility entering a public roadway;
- (6) Hazardous trees and forest debris as follows:
- a. Forest debris not in accordance with section 42-80;
Forest debris, also referred to as activity slash, is defined as dead forest material resulting from fuels management activity which includes activity slash and non-decomposing material greater than five inches in diameter.
 - b. Trees, live or dead, leaning toward a target (i.e., a structure, etc.) on adjoining property which pose a clear and present threat to health and/or property;
 - c. Trees, live or dead, and/or portions thereof that possess significant structural damage, which pose a clear and present threat to health and/or property;
- (7) Vehicle parts or other articles of personal property which are abandoned or left in a state of partial construction or repair;
- (8) Inoperable or abandoned mobile homes, recreational vehicles, utility trailers, unmounted camper tops, boats, horse trailers, cars, trucks and airplanes or other vehicles that are parked or stored in violation of section 82-36;
- (9) Graffiti on the exterior of any building, fence or other structure;
- (10) Solid waste, automobiles not in operating condition, and wastewater, or any conglomeration of residue thereof which emits odors or serves as a feeding or breeding place for flies, insects or rodents and which, in the opinion of the code enforcement officer, is unsightly or dangerous to public health, safety or welfare;
- (11) Unsafe buildings or other structures which are partially destroyed or collapsed, left in a state of partial construction, or open or abandoned; and
- (12) Driveways that are so constructed that dirt, gravel and debris wash onto the traveled roadway.
- (b) *Declaration of nuisance; abatement generally.* Any property found to be maintained in violation of subsection (a) of this section is hereby declared to be a public nuisance and shall be abated as provided under subsections (c) and (d) of this section. The procedures for abatement set forth in this section shall not be exclusive and shall not in any manner limit or restrict the village from enforcing other village ordinances or abating public nuisances in any other manner provided by law.
- (c) *Order to remove or remedy nuisance.* Whenever any nuisance prohibited in this section shall be found to exist upon private property within the village, the code enforcement officer shall order, in writing, the owner, lessee, occupant or person who permits such nuisance to exist to remove or remedy the nuisance within ten days after service of such notice upon them, unless other provisions of this Code or other village ordinances provide a longer remedy period.
- (d) *Filing of complaint; abatement by village.* If any such property owner or the person who permits such nuisance to exist shall fail to comply with such order, any person

interested may file a complaint for violation of this section against such person, or the village may elect to cause the nuisance to be abated by removal of the nuisance and shall have a lien against the property for the cost of such removal.

- (e) *Penalty.* Failure to comply with a valid order of the code enforcement officer shall constitute a petty misdemeanor within the meaning of NMSA 1978, § 30-8-1, and, upon a finding of a violation of this section, the person committing the violation may be punished in accordance with section 1-6, provided that any fine shall be not less than \$50.00. Each day that the prohibited condition is not corrected or remedied shall constitute a separate offense, and the court shall impose a fine on a per-day basis for each day that the violation is maintained. Application of the penalty set out in this subsection shall not be held to preclude the forced removal of prohibited conditions.
- (f) Maintenance of adjoining public rights-of-way or easements. Property owners shall be responsible for insuring that prohibited conditions as defined in subsection (a) are not allowed to exist on adjoining public rights-of-way or easements.

Chapter 70 Solid Waste Management

Sec. 70-1 through 70-5. No change.

Secs. 70-6, 70-6.1. Reserved.

Sec. 70-7 through 70-14. No change.

Sec. 70-15. Monthly service rates.

- (a) The monthly rates for collection of garbage, trash, ~~and refuse,~~ yard waste and recyclables shall be set from time to time and are listed in the fee schedule in appendix A to this Code.
- (b) The fees for yard waste collection and disposal shall apply to all lots in all districts, whether improved or not, provided:
 - (1) any lot in excess of one (1) acre in size shall be assessed a separate-pro-rated fee for each acre or portion thereof; and
 - (2) multiple contiguous lots under common ownership with an improved structure that meets the purpose of the property's zoning classification shall be considered a single lot and, if for a in aggregate of the total area is more than one (1) acre, or less, and shall be assessed a separate-pro-rated fee for each additional acre or portion thereof.
 - (3) Lots that have received a Certificate of Compliance issued by the Director of Forestry as set forth in Sec. 42-80 shall pay the lower maintenance of lot yard waste fee rate.
 - (4) Vacant lots with an average slope of 40% or greater that have received a Certificate of Compliance issued by the Director of Forestry as set forth in Sec. 42-80 shall not be required to pay a yard waste fee.

APPENDIX A FEE SCHEDULE

SOLID WASTE		
Fiscal Year 2007-2008 Monthly rates for collection and disposal of garbage, or trash , refuse, <u>yard waste</u> and maintenance and upkeep <u>recyclables</u> :		
Monthly rate for residential units:		
	Solid waste	10.90
	Yard waste <u>(no certificate of compliance)</u>	8.80 <u>per lot or acre</u>
	<u>Yard waste (maintenance of lot with certificate of compliance)</u>	<u>3.00 per lot or acre</u>
	Recycling	0.83
Monthly rates for commercial units:		
	Light: 0 to .33 tons	29.74
	Medium: .33 to .66 tons	34.24
	Heavy: Over .67 tons	42.67
	Recycling	0.83
	Yard waste <u>(no certificate of compliance)</u>	8.80 <u>per lot or acre</u>
	<u>Yard waste (maintenance of lot with certificate of compliance)</u>	<u>3.00 per lot or acre</u>
	Shared dumpster	16.31
Site development forest debris:		
	¼ truck (6 cubic yards)	64.04
	½ truck (12 cubic yards)	128.08
	¾ truck (18 cubic yards)	192.11
	Full truck (24 cubic yards)	256.15

The monthly rate on commercial, residential, yard waste, recycling and site development yard debris shall be adjusted annually, at the beginning of the fiscal year, at one-half the Consumer Price Index (CPI) as calculated and published by the state.

Passed, Approved and Adopted this 27th Day of November, 2007

Lonnie R. Nunley, Mayor

James A. Stoddard, Councilor

Greg Lee Cory, Councilor

Angel C. Shaw, Councilor

Michele P. Rebstock, Councilor

Ron D. Hardeman, Councilor

Donald A. Williams, Councilor

SEAL
ATTEST:

Irma Devine, Village Clerk