

Chapter 287. SOLID WASTE

[HISTORY: Adopted by the Board of County Commissioners of Doña Ana County as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building Code — See Ch. **142**.
Fees — See Ch. **179**, Art. **XVI**.
Fire prevention — See Ch. **195**.
Hazardous materials — See Ch. **226**.
Land use and zoning — See Ch. **250**.
Liquid waste disposal — See Ch. **254**.
Manufactured homes — See Ch. **257**.

Article I. Collection and Disposal

[Adopted 5-22-2007 by Ord. No. 230-07]

§ 287-1. Purpose and authority.

This article supersedes Ordinance No. 184-99 and any amendment thereto, including but not limited to Amendment 2003-01. This article is enacted pursuant to the authority granted to the Board of County Commissioners of Doña Ana County, hereinafter "the Board," in the New Mexico Constitution and general laws of the state, including but not limited to NMSA §§ 3-48-1 et seq., 4-56-1 et seq., and 4-37-1. This article is enacted to protect and promote the health, safety, and general welfare of the inhabitants of Doña Ana County, hereinafter "the County," by establishing a general system for collection and disposal of solid waste throughout the unincorporated areas of the County.

§ 287-2. Definitions.

The words, terms and phrases used in this article shall generally be interpreted consistent with NMSA §§ 3-48-1 et seq., 4-56-1 et seq., and 4-37-1, and the New Mexico Solid Waste Management Regulations (or substantially similar regulations subsequently issued by the state). The following words, terms, and phrases shall have the meanings ascribed to them below:

COMMERCIAL USER

Any person generating solid waste from any use other than a single-family dwelling unit.

CONVENIENCE STATION

A small solid waste transfer station operated by the County for disposal of solid waste produced incidental to the normal residential use of a single-family dwelling owned by or under

the control of the resident utilizing the convenience station.

DISPOSAL FACILITY

A permitted sanitary landfill or other acceptable method of solid waste disposal, including a convenience or transfer station, which operates in compliance with the New Mexico Solid Waste Management Regulations (or any subsequent regulations which substantially replace those regulations), or which meets the requirements or standards of the jurisdiction in which it is located.

HAZARDOUS WASTE

Substances defined as hazardous or toxic by the United States Environmental Protection Agency, the United States Resource Conservation and Recovery Act, the Federal Toxic Substances Control Act, the New Mexico Hazardous Waste Act, or other state or local law, and specifically includes radioactive, volatile, highly flammable, explosive, biomedical, infectious, and liquid waste, sludge, waste or residue from industrial processes or pollution processes, contaminated soil, anything contaminated with polychlorinated biphenyls (PCBs) or asbestos, outdated or contaminated or banned chemicals or commercial products, animal waste or body parts, grease trap residues, closed cartridges filters from dry-cleaning establishments, and other similar wastes.

MULTIPLE-FAMILY DWELLING UNIT

Any structure designed for residential use by two or more families, consistent with the definitions in Chapter **250**, Land Use and Zoning, of the County Code.

PERSON

Includes every person, firm, partnership, public or private corporation, association, trust, estate or any other legal entity subject to the County's jurisdiction.

PREMISES

Any real property, whether public or private, including vacant lots or lots with any type of structure, and also includes realty and personal property on the property and within structures on the property.

PRIVATE SANITATION COMPANY

Any business registered with the New Mexico Environment Department as a "commercial hauler" and operates in compliance with the New Mexico Solid Waste Management Regulations, and which is also registered to do business in the County.

SINGLE-FAMILY DWELLING UNIT

A dwelling unit for one family as more specifically defined through the definitions in Chapter **250**, Land Use and Zoning, of the County Code.

SOLID WASTE

Includes but is not limited to any garbage, rubbish, or refuse, rejected or waste food, offal, swill, carrion, ashes, dirt, slop, wastewater, trash, weeds, briars, brush, junk automobiles or automobile parts, waste or unwholesome material of any kind, except sewage, and including residential, commercial, institutional, industrial and recreational waste. The term "solid waste" encompasses the full scope of authority under NMSA §§ 3-48-1 et seq., 4-56-1 et seq., and 4-37-1.

TRANSFER STATION

A registered or permitted facility managed for the handling and storage of solid waste in large containers or vehicles for transfer to another facility.

§ 287-3. Accumulation and disposition.

A. Prohibited accumulations. No person shall allow any solid waste to accumulate upon premises

which he owns, rents, leases or otherwise occupies or controls except in the manner provided by this article.

- B. Acceptable accumulations. Building materials, pipes, lumber or boxes may be stored on the premises if the accumulation is evenly piled and stacked, and is for business purposes, or for a construction project for which a valid and current building permit has been issued, or for a construction or improvement project for which a permit is not legally required; any otherwise permissible accumulation shall not be allowed to become a feeding or breeding place for flies, insects or rodents, or to otherwise become unsanitary, unsafe, or similarly injurious to the public health and safety.
- C. Prohibited acts. It shall be unlawful for any person to scatter or distribute solid waste or to distribute the contents of any solid waste receptacles other than dispose of it in conformity with this article. It shall be unlawful for any person to sweep, place, throw, or deposit solid waste upon any street, alley, sidewalk, gutter, storm sewer, parkway, river, stream, lake, pond, arroyo, or other premises within the County, except in receptacles or containers consistent with the provisions of this article. It shall be unlawful to transport solid waste in such a manner as to cause it to be distributed onto such premises.
- D. Disposal facilities. All solid waste other than hazardous waste shall be conveyed to a disposal facility through a method authorized by and consistent with all provisions of this article. Solid waste deposited at any disposal facility under the control or management of the County becomes the property of the County, and it shall be unlawful for any person to, purchase, offer for sale, separate, collect, recycle or remove any solid waste from any such disposal facility without the approval of the County Manager, or to graze animals upon any area designated as a disposal facility.
- E. Hazardous waste. Hazardous solid waste shall be disposed of at a facility, which has been issued a permit by the New Mexico Environment Department (or comparable agency with jurisdiction in the location of the facility) for the disposal of hazardous waste.

§ 287-4. Collection and disposal.

- A. Disposal facilities. The County shall ensure that sufficient disposal facilities are available to allow County residents and property owners to comply with the provisions of this article. Disposal facilities may include landfills, transfer stations or convenience stations, as established by resolution of the Board, or as provided by private enterprises consistent with the terms of this article.
 - (1) Convenience stations. Any person other than a commercial user may utilize any convenience stations provided by the County for the disposal of solid waste produced incidental to the normal residential use of a single-family dwelling unit. Any person who receives solid waste collection services from a private sanitation company may dispose of solid waste produced incidental to the normal residential use of a single-family dwelling unit owned or controlled by that person at any convenience station provided by the County. Commercial users and private sanitation companies shall not be allowed to use convenience stations.
 - (2) Tipping fees. Private sanitation companies, except commercial users, and construction and demolition companies shall pay any and all tipping fees required for use of a particular disposal facility, including those operated by or under an agreement with the County.
 - (3) Containers. Containers utilized for storage of solid waste on the premises, and for transportation of solid waste to a disposal facility, must be designed so as to fully enclose and contain the solid waste, and must be leakproof for storage or transport of any solid

waste.

- (4) Multiple-family dwelling units. Multiple-family dwelling units shall be considered a commercial user; any owner of a multiple-family dwelling unit who fails or refuses to comply with the commercial user requirements of this article shall be subject to prosecution for violation of this article, and to all other penalties allowed by law.

B. Private sanitation company service.

- (1) Frequency of service. Solid waste collection services must be provided on at least a weekly basis, or more frequently if necessary to keep the premises free of solid waste consistent with the provisions of this article.
- (2) Containers. Containers utilized for the storage of solid waste on the premises between collections must be designed so as to fully enclose and contain the solid waste, and must be leakproof.

C. Commercial users. Unless exempt under this subsection, all commercial users shall obtain solid waste collection services from a private sanitation company.

- (1) Frequency of service. Solid waste collection services must be provided on at least a weekly basis, or more frequently if necessary to keep the premises free of solid waste consistent with the provisions of this article.
- (2) Containers. Containers utilized for storage of solid waste on the premises between collections or other methods of disposal must be designed so as to fully enclose and contain the solid waste, and must be leakproof.
- (3) Self-service exemption. A commercial user may be exempt from the requirement of obtaining collection services from a private sanitation company if the commercial user meets and follows all New Mexico Solid Waste Management Regulations in handling and transporting the solid waste produced incident to its commercial activities (other than as a commercial hauler). A commercial user shall not be required to register with the New Mexico Environment Department in order to be exempt under this subsection. An exempt commercial user must comply with all other provisions and requirements of this article, including the frequency and container requirements of this subsection.

D. Construction and demolition debris/solid waste disposal. Commercial users in construction and demolition industries shall not be required to meet the requirements applicable for other commercial users for construction and demolition debris or solid waste produced incidental to construction and demolition operations, but shall instead comply with the provisions of the § 287-5 of this article. Construction and demolition debris or other forms of solid waste produced by a commercial user incidental to construction and demolition operations shall not be disposed of at convenience stations.

§ 287-5. Construction and demolition debris.

- A. Solid waste containment required. At all sites where streets, sidewalks, buildings or structures are being constructed, remodeled, repaired, demolished or maintained, the construction site shall be kept free from uncontained accumulations of solid waste materials (new or used) and construction and demolition debris, including but not limited to scrap or discarded pieces of wood, brick, sheetrock, tar paper, cement, concrete, cinder block, asphaltic concrete, and other building or construction products, as well as any containers and wrappers of such products. Accumulation shall be deemed contained when placed in approved storage containers appropriate for that type of solid waste or debris. Any accumulation otherwise permissible under this section shall not be allowed to become a feeding or breeding place for flies, insects or rodents, or to otherwise become unsanitary, unsafe, or similarly injurious to

the public health and safety. The following types of solid waste accumulations shall not be required to be placed in approved storage containers if the specified conditions are met.

- (1) Major building demolition waste. Solid waste produced by a major building demolition which is so large in scope or scale that it cannot reasonably be placed in approved containers shall be an exception to this section, provided all loose, readily windborne matter is contained and the remainder is either not an immediate hazard to the public or the environment because of its nature or because of security measures on site. Immediately following completion of the demolition project, all solid waste on the site must be removed to an approved disposal facility.
- (2) Major street construction and maintenance project waste. Solid waste from street construction, reconstruction or maintenance projects and street-pavement cuts which are so large in scope or scale that they cannot reasonably be placed in approved containers shall be an exception to this section, provided all loose, readily windborne matter is contained and the remainder is not an immediate hazard to the public. Immediately following completion of the demolition project, all solid waste on the site must be removed to an approved disposal facility.
- (3) Masonry solid waste. Rock, concrete, mortar, brick and cinder block solid waste does not have to be placed in an approved container and may be collected into a pile on the ground, but must be removed to a permitted disposal site immediately upon completion of the construction from which the waste was generated, or within a reasonable time after the work is abandoned. Extra concrete from cleaning delivery trucks must be placed on site, and not on developed roads or sidewalks. This concrete must subsequently be removed to a permitted disposal site.
- (4) Roofing materials solid waste. Shingles, tar paper and other solid waste from roofing jobs that is capable of readily becoming windborne does not have to be placed into an approved container, provided such waste is placed directly into a dump truck or similar truck for hauling to an approved disposal facility and is removed on a daily basis.
- (5) Windborne solid waste. Solid waste capable of being windborne shall be contained daily, except on windy days when shall be contained immediately. Windy days shall be those days when solid waste is observed becoming windborne.

B. Storage containers.

- (1) Unless granted a specific exception within this article, solid waste materials from construction shall be deposited and stored within approved waste containers as follows:
 - (a) Sanitation department containers. The following mechanically transported containers may be used for construction waste:
 - [1] Open-top containers, commonly referred to as "roll-off containers," to be used for construction waste not capable of readily becoming windborne and acceptable for limited amounts of heavy items such as earth, bricks, concrete, and shingles.
 - [2] Overhead-dump containers, having lids and at least three cubic yards' capacity, to be used for lightweight construction waste only, including that capable of readily becoming windborne, and for earth, bricks, concrete, shingles and other heavy materials.
 - (b) Other containers. Other containers, including but not limited to dump trucks and fenced enclosures, may be used for waste control, provided a request is submitted and approved with the building permit.
- (2) Containers having lids shall be kept closed at all times except when containers are being filled or emptied.
- (3) The number of containers at a construction site shall be sufficient to ensure compliance

with this article.

(4) Required containers shall be located not more than 200 feet from the construction site, and may be shared by more than one construction site.

- C. Disposal. Construction solid waste materials may be utilized for fill at non-landfill locations, provided that the person disposing of the material has the written consent of the property owner where the fill is being placed and a fill (grading) permit from the County. Any material used for fill must meet all state laws and regulations governing disposal of solid waste. Construction and demolition debris or other forms of solid waste produced by a commercial user incidental to construction and demolition operations shall not be disposed of at convenience stations.
- D. Responsibility. It shall be the duty of any person holding a building permit to provide acceptable containers and to have all solid waste placed therein, and to have such containers emptied often enough to prevent their overflow. It shall further be the duty of the person holding a building permit and the property owner either to remove or cause to be removed all construction solid waste from the site to a disposal facility or to contract for the services of a private sanitation company to transport such waste to a disposal facility or approved fill site.

§ 287-6. Enforcement; penalty.

- A. Abatement. In addition to any other penalty or remedy, including injunctive relief, if a property owner fails to abate a violation of this article within 30 days of receiving written notice of such violation, the County may elect to incur the cost of abatement and establish a lien against the property in the amount of the cost of abatement of the violation. The procedures for assessing and collecting said charges shall be consistent with state law, including but not limited to NMSA § 3-48-4 et seq.
- B. Violations subject to prosecution. In addition to any other penalty or remedy, including injunctive relief, any person who violates any provision of this article shall be subject to prosecution consistent with state and local law, as set forth in Chapter 1, General Provisions, Article III, General Penalty, except that:

[Amended 9-27-2011 by Ord. No. 235-2011]

- (1) A fine of up to \$1,000 may be assessed against any person who discards or disposes of refuse, litter or garbage on public or private property in any manner other than by disposing of it in an authorized landfill or other disposal facility; and
- (2) A fine of up to \$5,000 may be assessed against any person for the improper or illegal disposal of hazardous materials or waste in any manner other than as provided for in the Hazardous Waste Act, NMSA § 74-4-1 et seq.
- C. Enforcement authority and procedures. This article shall be enforced by the Doña Ana County Sheriff's Department and/or the Doña Ana County Environmental Codes Enforcement unit or other authorized County personnel. In enforcing this article, the County's personnel shall observe all of the legal rights granted its citizens under federal or New Mexico law, including citizens' constitutional rights against unreasonable searches and seizures. All such searches and seizures shall be conducted in such a manner as to protect the citizens' United States Constitution Fourth Amendment rights. These protections include either an express, voluntary consent or a warrant to enter upon private property to conduct a search or seizure, absent a legally recognized exception. If a complaint of a violation is received, or if evidence of a violation is apparent upon inspection of the property from a public way or by viewing the property from private property with the consent of the owner of the private property, authorized personnel may enter the property for the purpose of obtaining consent to further

investigate the possible violation, or to attempt to obtain acknowledgement from the owner of the receipt of a citation for an apparent violation. If consent cannot be obtained from the property owner, a warrant shall be obtained from a court of competent jurisdiction prior to further inspection of the property.

§ 287-7. Administration.

Under the supervision of the County Manager, County staff is authorized to implement, manage, and enforce this article as amended.

§ 287-8. Fees.

Editor's Note: See Ch. 179, Fees and Permits, Art. XVI. The County Utilities Department shall develop a schedule of fees and methods of payment to be used at all County disposal facilities. The fee schedule shall be approved and adopted by resolution of the Board, after having given at least 20 days' notice of the meeting and having published that notice once in a newspaper of general circulation in the County at least 15 days prior to the meeting. The schedule will be reviewed by the County Utilities Department on no less than an annual basis.

Article II. Flow Control

[Adopted 9-24-2013 by Ord. No. 265-2013 *Editor's Note: This ordinance also provided as follows: This article does not supersede the County's Solid Waste Ordinance (Chapter 287 of the Code of Doña Ana County) and should be considered in conjunction with that ordinance; however, this article does supersede certain provisions of that solid waste ordinance that provide for the disposal of solid waste generated within County limits. In the event of a conflict between this article and the County's Solid Waste Ordinance having to do with disposal of solid waste, this article shall be applicable and control.]*

§ 287-9. Title; Purpose.

- A. Short title. This article shall be known as and may be cited as the "Doña Ana County Solid Waste Flow Control Ordinance" and shall be referred to herein as "this article." It shall relate to the disposal of acceptable solid waste within Doña Ana County, New Mexico; prescribe rules and regulations therefor; and provide penalties for violations thereof.
- B. Purpose. The purpose of this article is to protect the health, safety and general well-being of the citizens of Doña Ana County, enhance and maintain the quality of the environment, conserve natural resources, deter illegal dumping, and prevent water and air pollution by providing for a comprehensive, rational, and effective means of regulating the disposal of solid waste in the unincorporated areas of Doña Ana County. In addition, this article will assist in providing the funding to construct needed solid waste collection and disposal facilities and provide an integrated package of waste disposal services to the public and to sustain the economic viability of present and future publicly owned solid waste facilities.

§ 287-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCEPTABLE SOLID WASTE

Ordinary household, municipal, institutional, commercial, and industrial solid waste, including, without limitation, the following:

A. **MUNICIPAL SOLID WASTE** — Household solid waste, commercial solid waste, and industrial solid waste.

B. **HOUSEHOLD SOLID WASTE** — Any solid waste, including garbage and trash, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day use recreation areas.

C. **COMMERCIAL SOLID WASTE** — All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding household and industrial solid wastes.

D. **INDUSTRIAL SOLID WASTE** — Solid waste generated by manufacturing or industrial processes that is not hazardous waste regulated under Subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals, plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment, and water treatment. This term does not include mining waste or commercial solid waste.

BOARD

The Board of County Commissioners of Doña Ana County.

COLLECTION CENTER

A facility managed for the collection and accumulation of solid waste with an operational rate of less than 240 cubic yards per day monthly average and that serves the general public.

COMMERCIAL HAULER

Any person transporting solid waste for hire by whatever means for the purpose of transferring, processing, storing or disposing of the solid waste in a solid waste facility, except that the term does not include an individual transporting solid waste generated on his residential or business premises for the purpose of disposing of it in a solid waste facility.

CONSTRUCTION AND DEMOLITION DEBRIS

Solid waste consisting of one or more of the following materials resulting from construction, remodeling, repair, and demolition of structures:

- A. Insert fill.
- B. Land clearing debris.
- C. Asphalt.
- D. Masonry.
- E. Wall board.
- F. Pipes.
- G. Metal conduits.
- H. Scrap or discarded pieces of wood.

COUNTY

Doña Ana County.

COUNTY LIMITS

The area within the geographical borders of Doña Ana County but excluding the areas within the geographical borders of the incorporated cities, towns and villages located within the County.

DISPOSAL

Causing, allowing, or maintaining the abandonment, discharge, deposit, placement, injection, dumping, burning, spilling, or leaking of any solid waste into or on any land or water.

HAZARDOUS WASTE

A hazardous waste as defined in 40 CFR 261.3 and NMSA 1978, § 74-4-3K and substances subject to regulation under 15 U.S.C. § 2601 et seq. See also the definition of "unacceptable waste" below.

MUNICIPAL SOLID WASTE FACILITY

A solid waste facility owned by or leased by Doña Ana County or by the South Central Solid Waste Authority or a private solid waste facility receiving acceptable solid waste under a contract with the County.

PERSON

Any natural person, corporation, limited liability company, partnership, sole proprietorship, professional association, governmental entity or other legal entity.

RCRA

The Federal Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as amended.

SOLID WASTE FACILITY

Any public or private system, facility, location, improvements on the land, structure or other appurtenances or methods used for processing, transformation, or disposal of acceptable solid waste, including landfill disposal facilities, transfer stations, collection centers, resource recovery facilities, incinerators and other similar facilities not specified. Solid waste facility does not include:

- A. Equipment or processing methods approved by order of the New Mexico Environment Department Cabinet Secretary to render infectious waste generated on site noninfectious;
- B. A facility that is permitted pursuant to the provisions of the Hazardous Waste Act, NMSA 1978, §§ 74-4-1 through 74-4-14, as amended;
- C. A facility fueled by a densified-refuse-derived fuel as long as that facility accepts no other acceptable waste;
- D. A recycling facility that accepts only source separated recyclable materials;
- E. That portion of a facility that refurbishes or re-sells used clothing, furniture or appliances for reuse;
- F. Commercial scrap metal or auto salvage operations;
- G. A composting facility that accepts only source separated compostable materials;
- H. Manufacturing facilities that use recyclable material in production of a new product;
- I. Facilities designed and operated to dispose of sewage sludge on land, such as land application or land injection;
- J. Land farming of petroleum contaminated soils unless within a landfill where "land farming" is the remediation of petroleum contaminated soils on the land surface;
- K. Any facility or location where clean fill material is accepted, stockpiled or used, if the facility or location would not otherwise be classified as a solid waste facility;
- L. A facility that uses tire-derived fuel for the purpose of extracting its stored energy; or
- M. Air curtain incinerators.

TRANSFER STATION

Any transfer station or collection center owned by or leased by Doña Ana County or by South Central Solid Waste Authority and any additional transfer stations officially identified as such within Doña Ana County by action of the Board of County Commissioners of Doña Ana County.

UNACCEPTABLE WASTE

Solid waste which is not acceptable waste and includes, but is not limited to, sewage and its derivatives, products containing asbestos, junk vehicles, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954 (42 U.S.C.A. § 2014), as amended, and hazardous waste, including hazardous chemicals. See also the definition of "hazardous waste"

above.

§ 287-11. Administration.

- A. In addition to the requirements set forth herein, the Board may establish by resolution under the authority of this article additional rules and regulations governing the availability and use of the designated municipal solid waste disposal facility(ies).
- B. The operation of the designated municipal solid waste disposal facilities shall conform to pertinent regulations or directives of all local, County, state or federal agencies which may have jurisdiction.
- C. This article shall be administered jointly by County management (and/or its staff designees) and by the Director of the SCSWA.

§ 287-12. Flow control and designation.

- A. All acceptable waste generated within the County limits shall be collected, transported and delivered to a municipal solid waste facility for disposal, as designated herein below.
- B. The Board hereby designates the following solid waste facilities as its municipal solid waste facilities disposal sites subject to the terms, conditions and requirements of this article:
 - (1) South Central Solid Waste Authority waste facilities, to wit: transfer stations, collection centers, Corralitos Regional Landfill.
 - (2) The eight County collection centers located at:
 - (a) Mesquite collection center, 725 CR B-059.
 - (b) La Mesa collection center, 1310 West Afton Road.
 - (c) Hill collection center, 9293 Del Rey Boulevard.
 - (d) Butterfield collection center, 4925 Eason Lane.
 - (e) Anthony collection center, 2120 East O'Hara Road.
 - (f) Garfield collection center, 505 Nightwatchers Road.
 - (g) La Union collection center, 2590 Visnaga Street.
 - (h) Hatch collection center, 11 Cerrito Road.
 - (3) Any additional solid waste facility site owned by or leased by the County or the South Central Solid Waste Authority.
 - (4) Any additional private or municipal solid waste facility site designated by the County pursuant to a contract between the County and the solid waste facility entity.
- C. From time to time, a majority of the Board may, by resolution, add or remove solid waste facility designations.
- D. No person shall engage in the disposal or cause or contribute to the disposal of acceptable solid waste at any places other than at a County designated solid waste facility; provided, however, the owner of any lot or any other person with the permission of that lot owner, may dispose of inert substances such as earth, rocks, concrete, or similar materials at such lot for fill purposes only, subject to state and local land use regulations.
- E. Notwithstanding Subsections **A** through **D**, no provision of this article shall be deemed to forbid the disposal by any person of acceptable solid waste and/or construction and demolition debris generated within the County limits at duly licensed or permitted solid waste or disposal facilities located outside of the State of New Mexico.

§ 287-13. Rules and regulations.

- A. Non-County waste unaffected. While acceptable solid waste generated within the County limits must be disposed of at a County designated municipal solid waste facility, such waste from

out-of-state, from municipalities or from other counties within New Mexico may be, but is not mandated to be, disposed of at a County designated site.

- B. Resource recovery. The County may require acceptable solid waste to be separated into such categories as may be established by regulation and disposed of only in such manner and at such sites and locations as designated.
- C. Property rights. Any acceptable solid waste and/or construction and demolition debris deposited at any designated municipal solid waste facility shall become the property of the County. No one shall scavenge, remove, or carry off any such waste or debris without prior approval of the County.

§ 287-14. Licensing.

- A. Business registration fee. Any commercial hauler engaging in or wishing to engage in business within County limits must possess a current business registration certificate from the County issued by the County Clerk as provided for in Chapter **154** of the Doña Ana County Code.

§ 287-15. Violations; penalties.

- A. Violations defined.
 - (1) In this article, "violation of this article" means any of the following:
 - (a) Doing an act that is prohibited or made or declared unlawful; an offense or a misdemeanor by ordinance or by resolution or regulations authorized by this article; and/or
 - (b) Failure to perform an act that is required to be performed by this article or by resolution or regulations authorized by this article; and/or
 - (c) Failure to perform an act if the failure is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by resolution or regulations authorized by this article.
 - (2) In this article, "violation of this article" does not include the failure of a County officer or a County employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this article.
- B. Enforcement of penalties. Any person violating any provision of this article shall be punished as set forth in Chapter **1**, General Provisions, Article **III**, General Penalty (see §§ **1-19** and **1-20**).