

## ORDINANCE 20-09

AN ORDINANCE AMENDING CHAPTER 21 OF THE ROSWELL CITY CODE  
RELATING TO SOLID WASTE COLLECTION AND DISPOSAL

**WHEREAS**, Chapter 21 of the Roswell City Code regulates the collection and disposal of solid wastes generated within the city; and

**WHEREAS**, The City Council wishes to hereby amend certain sections of Chapter 21 of the Roswell City Code as further reflected below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

SECTION 1. Section 21-2 of the Roswell City Code is hereby amended as follows:

**Sec. 21-2. - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Collection* means providing a service of gathering solid waste from one or more persons or premises within the city, for transportation to a point of disposal or recycling, or sanitary landfill, except in cases where such service is only incidental to the provision of other goods or services responsible for creation of the solid waste. Collection does not include the disposal of solid waste by the individual or entity that created it.

*Disposal facility* means the sanitary landfill or site for the disposal of solid wastes.

*Incineration* means the process of reducing combustible solid wastes to inert residue, in a device or chamber designed for complete combustion.

*Motor vehicle* is any vehicle which is designed to be self-propelled and travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, recreational vehicles and motor homes.

*Person* means any person owning, operating or controlling any house, residence, shop, commercial establishment, hotel, restaurant, market, apartment, condominium or tenement house or any other place of business within the city, to include tenants, lessees or occupants.

*Premises* means business houses, apartment houses, offices, theaters, hotels, residences, commercial establishments of any character, settlements, hospitals, schools, vacant lots and all other places within the corporate limits where solid waste accumulates.

*Private property* shall mean any real property within the city which is privately owned and

1 which is not public property, as defined in this section.

2  
3 *Public property* shall mean any street or highway which shall include the entire width  
4 between the boundary lines of every way publicly maintained for the purposes of vehicular  
5 travel and shall also mean other publicly owned property or facility.

6  
7 *Recycling* means the segregation of reusable materials preparatory to industrial processing  
8 of such materials, whereby such material is converted into a new product so that the original  
9 product is no longer identifiable.

10  
11 *Sanitation officer* means the department head of the sanitation department of the city.

12  
13 *Scavenging* means the removal of solid waste from a disposal facility.

14  
15 *Solid waste* means garbage, rejected or waste food, offal, swill, carrion, ashes, dirt, slop,  
16 waste water, trash, rubbish, cast-off items, parts of autos, clothing, mattresses, tires, paper,  
17 cartons, salvage or unwholesome materials of any kind or description; except sewage, but  
18 including commercial, industrial, institutional and recreational wastes and any article or  
19 substance commonly discarded as waste or which, if discarded on the ground, will create  
20 or contribute to an unsanitary, offensive or unsightly condition.

21  
22 SECTION 2. Section 21-11 of the Roswell City Code is hereby amended as follows:

23  
24 **Sec. 21-11. - City's exclusive right to collect solid wastes.**

25  
26 The city and its duly authorized agents, servants or employees reserve the exclusive right  
27 to engage in the collection of solid waste within the city. It shall be unlawful for any person  
28 to engage in the collection of solid waste within the city, except as permitted by the city  
29 pursuant to a duly authorized franchise.

30  
31 SECTION 3. Section 21-20 of the Roswell City Code is hereby amended as follows:

32  
33 **Sec. 21-20. – Fees.**

- 34  
35 (a) Every person or entity owning real property within the city shall pay the solid waste  
36 collection and disposal fees established and provided for by this chapter, whether or not  
37 the solid waste collection and disposal service is used by the owner of such real property  
38 within the city.
- 39  
40 (b) Monthly services for solid waste collection and disposal from dwellings and residential  
41 premises, and from commercial property, shall be assessed against the owner of the  
42 premises, as shown by the real estate records of the county clerk. Minimum charges for  
43 such service shall be as set by fee resolution.
- 44  
45 (c) The sanitation department shall not accept special or hazardous waste and may at any time  
46 refuse to collect, or refuse to accept for disposal, waste the department determines would  
47 be detrimental to operation of the collection system or landfill. Waste deemed unacceptable



1 by the department shall not be presented for disposal or disposed of at the city's landfill  
2 unless such determination is amended prior to presentment or disposal.

3  
4 (d) There will be fees and charges established from time to time by resolution for the following  
5 special types of disposals:

6  
7 (1) Disposal of solid waste at the disposal area, for residential user only, on loads  
8 consisting of 300 pounds or less.

9  
10 (2) Disposal of solid waste at the disposal area, including, but not limited to, compacted  
11 loads, roll-offs, yard waste, etc., for all commercial loads and residential loads in excess  
12 of 300 pounds.

13  
14 (3) Disposal of heavy solid waste, defined as large tree trunks, asphalt roofing shingles,  
15 etc. that is not considered clean fill, at the disposal area.

16  
17 (4) Disposal of clean fill solid waste, defined as concrete, brick, rock, soil, asphalt, rebar,  
18 glass, etc. that meets clean fill standards as approved by the State of New Mexico  
19 Environment Department, at the disposal area.

20  
21 (5) Disposal of tires for residential users and for all commercial loads, at the disposal area.

22  
23 (6) Disposal of E-waste, defined as electronic waste such as but not limited to computer  
24 monitors, computer towers, printers, scanners, copy machines, batteries, universal  
25 surge protectors, telephones, two way radios, cell phones, radios, VCR and DVD  
26 equipment, etc.

27  
28 (7) Disposal of refrigerant units, defined as any cooling or heating unit containing  
29 refrigerant that requires evacuation by state standards before disposal such as but not  
30 limited to refrigerators, freezers, heat pumps, AC units, drinking water coolers, etc., at  
31 the disposal area.

32  
33 {8} Tickets for special disposals under this Section will contain the customer name, address,  
34 date, receipt number, weigh master signature/identification number and materials  
35 description, and will be invoiced monthly.

36  
37 (e) All solid waste disposal fees shall be automatically adjusted at the beginning of each fiscal  
38 year, beginning July 1, 2012, to the nearest 25 cent point of the Consumer Price Index  
39 for Urban Wage Earners and Clerical Workers (CPI-W) information obtained from the  
40 Bureau of Labor Statistics of the U.S. Department of Labor.

41  
42 (f) For the purpose of convenience, the billing and collecting of the charges levied for  
43 service under subsections (b) of this section shall be done by the city water department,  
44 and all such charges shall be payable at the office of the city water department in the  
45 same manner as are other utility services billed and collected by the city water  
46 department.

(g) The city may provide and maintain roll-off containers to the public at a rate per pull plus tonnage as weighed at the Roswell Landfill. Bins shall be place for service in a manner and location acceptable to the city. Length of time for use of a city owned roll-off container is 30 calendar days. Additional days will be charged at a rate per day up to 30 additional days. Continued usage of the containers over 60 days requires approval from the sanitation officer or agent. Businesses or individuals must give the solid waste department 24 hours notice when the roll-off containers need to be pulled and the content of the roll-off shall not exceed 40,000 pounds. Damage to the container will be the responsibility of the business or individual using the container and will be billed accordingly.

SECTION 4. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

SECTION 5. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

SECTION 6. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED on this 13<sup>th</sup> day of August 2020.

CITY SEAL

SEAL

ATTEST

  
Dennis Kintigh, Mayor

  
Sharon Coll, City Clerk