

**NOTICE OF INTENT**

**TO ADOPT AN ORDINANCE AMENDING CHAPTER 40, (SOLID WASTE), ARTICLE I (IN GENERAL), SECTION 40-2, AND ARTICLE III (COLLECTION AND DISPOSAL) OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt a proposed amendment to the Town of Silver City Municipal Code of Ordinances. This notice is given the title as follows:

**ORDINANCE NO. 1256**

**AN ORDINANCE AMENDING CHAPTER 40, (SOLID WASTE), ARTICLE I (IN GENERAL), SECTION 40-2, AND ARTICLE III (COLLECTION AND DISPOSAL) OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

**Sponsored by: Councilor Cynthia Ann Bettison**

**WHEREAS**, the Town Council of the Town of Silver City has determined that the Town shall provide collection and disposal of recyclable material, with certain exceptions, within the Town while exercising its exclusive authority to so provide; and

**WHEREAS**, certain modifications to existing provisions of the Town's Municipal Code are appropriate to reflect the present intent of the Town Council; and

**WHEREAS**, the Town Council finds that such modifications are in the best interest of the Town, and provide for the health, safety and welfare thereof;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO**, that:

**The current title of Chapter 40 is deleted and replaced with:**

**CHAPTER 40, SOLID WASTE AND RECYCLABLE MATERIALS**

**Chapter 40, Article I, Section 40-2 is deleted in its entirety.**

**Chapter 40, Article III Section 40-47 (Authority to provide services) is amended and modified as follows:**

**Subsection (a) is deleted in its entirety and replaced with:**

(a) The Town and its duly authorized agents shall have the exclusive right within the service area to collect or gather garbage and recyclable materials, except those recyclables from commercial accounts which are to be commercially recycled, whether compacted or not. The Town shall not collect garbage and solid waste which is prohibited by law, including but not limited to dead animals, construction and demolition debris, and hazardous wastes. No person or business entity may sell within the service area any services for the systematic and routine collection, transportation, or disposal of solid waste or refuse except for recyclables from commercial accounts that are to be commercially recycled, whether compacted or not.

**Chapter 40, Article III, Section 40-56 is deleted in its entirety and replaced with the following:**

**Sec. 40-56 Fees.**

(a) The Town Manager shall make his recommendation to set sanitation rates commensurate with the projected debt service costs for the next 12 months. This shall include consideration of all expenses to operate, maintain, repair, expand, improve the sanitation and recycling systems, and to maintain a minimum of 1/12 reserve to cover emergent costs of maintaining the sanitation and recycling systems and unanticipated provisions of sanitation and recycling services that are not planned. There shall be a base monthly rate which shall be sufficient to cover all debt service costs. In addition, there shall be a charge per refuse container in addition to the prescribed collection fee. The charge, therefore, shall be commensurate with the users' pro rata share of the projected total operating expenses of the Town's sanitation system as projected for the next following 12 months.

(b) The Town shall also charge a landfill fee sufficient to pay all tipping fees that may be

charged to dispose or all refuse collected by the Town collection system. The charge, therefore, shall be commensurate with the users' pro rata share of the projected total operating expenses of the Town's sanitation system as projected for the next following 12 months.

(c) Sanitation rates for residential and commercial users, shall be those rates described in Appendix "A."

(d) The Town Manager shall annually, and prior to June 1 of each year, recommend to the Town Council revised rates. The Town Council shall consider the recommendation and any other information it deems appropriate and may adjust those rates concurrent with its consideration of the preliminary budget for the town's next coming fiscal year.

(e) The sanitation rate described in Appendix "A" will be effective with the account billing as of the execution of this Ordinance, and shall remain such until revised by the Town Council.

(f) This provision does not obligate the Town to offer or provide sanitation or recycling services outside Town limits, which shall remain within its sole discretion under terms and conditions described in this Municipal Code of Ordinances.

**Insert the following new Chapter 40, Section 40-58 which shall read as follows:**

**Sec. 40-58. Rules and regulations relating to the storage, collection and disposal of recyclable materials.**

(a) All provisions relating to the storage, collection and disposal of garbage and solid waste along with the obligations of the customer as contained in section 40-48 (Additional prohibited practices), section 40-50 (Storage and treatment of garbage), section 40-51 (Residential collection), section 40-52 (Commercial collection), section 40-53 (Special and bulk collections), section 40-55 (Removal to designated place) shall apply equally to the storage, collection and disposal of recyclable materials, with the following requirements placed upon the

customer

(1) Cardboard and corrugated paper which do not fit in the provided recycling receptacle shall to the extent possible be broken up and collapsed to a dimension not exceeding 48 inches and a weight not to exceed 50 pounds.

(2) Recyclable material shall not be bagged, but stored loose in the provided receptacle.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

TOWN OF SILVER CITY

(Seal)

\_\_\_\_\_  
Ken Ladner, Mayor

ATTEST:

\_\_\_\_\_  
Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to \_\_\_\_\_, 2017.

\_\_\_\_\_  
Ann L. Mackie , Town Clerk

\_\_\_\_\_  
Date