

**BOARD OF COUNTY COMMISSIONERS
OF SANDOVAL COUNTY, NEW MEXICO
ORDINANCE NO.**

**AN ORDINANCE, AMENDING ORDINANCE NO. 03-11-16.16A ENVIRONMENTAL
SOLID WASTE ORDINANCE OF SANDOVAL COUNTY, FOR THE ACCEPTANCE OF
THE HOUSEHOLD WASTE COLLECTION OF THE UNINCORPORATED AREA OF
SANDOVAL COUNTY. BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF SANDOVAL COUNTY, NEW MEXICO:**

- **Chapter 14 - ENVIRONMENT**
- **ARTICLE I. - IN GENERAL**

- **Secs. 14-1—14-18. - Reserved.**
- **ARTICLE II. - NUISANCES**

- **Sec. 14-19. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means a motor vehicle which has remained for more than 48 hours in the condition described by one of the following:

- (1) Without license plates or temporary registration conspicuously displayed thereon; or
- (2) With license plates which have an expiration date more than 90 days prior to the date of inspection.

Blight or blighted means unsightly conditions, including, but not limited to, the accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting;

landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged; and any other similar conditions of disrepair and deterioration, regardless of other properties in the area.

Commercial Solid Waste Collection means all solid waste collection from business establishments and multiple-family dwellings with containers that are 3 cubic yards or larger.

Commercial solid waste contractor.

(1)

The term "commercial solid waste contractor" means any person transporting solid waste for hire by whatever approved means for the purpose of transfer, processing, storing or disposing of the solid waste in a solid waste facility.

(2)

The term "commercial solid waste contractor" does not include an individual transporting solid waste generated on or from one's residential premises for the purpose of disposing of it in a solid waste facility.

Construction and demolition (C&D) debris.

(1)

The term "construction and demolition (C&D) debris" means materials generally considered water insoluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt, roofing materials, pipe, gypsum wallboard and lumber from the construction or destruction of a structure, and includes rocks, soil, tree remains, trees and other vegetative matter that normally results from land clearing.

(2)

If debris is mixed with any other types of solid waste, it loses its classification as C&D debris.

(3)

Construction and demolition debris does not include asbestos or liquids, including, but not limited to, waste paints, solvents, sealers, adhesives or potentially hazardous materials.

County manager means the county manager or designated representative.

Contract Agreement refers to a binding agreement between the county and a contractor/ hauler that was selected through a statutory procurement process and engaged in the business of collection of residential solid waste and/or recyclables in the unincorporated areas of Sandoval County, excluding Placitas, setting forth terms, conditions and duration of the exclusive franchise collection contract.

Debris means any substance of little or no apparent economic value, including, but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned or neglected equipment, or the scattered remains of items.

Deterioration means the condition or appearance of a building or structure, or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect, or lack of maintenance.

Dispose or disposal means the causing, allowing, or maintaining the abandonment, discharge, deposit, placement, injection, dumping, spilling, or leaking of any solid waste into or on any land or water.

Exclusive Residential Franchise Hauler refers to the company contracted by the County of Sandoval through a statutory procurement process to provide exclusive residential solid waste collection services to the unincorporated areas of Sandoval County, excluding Placitas, in such that the contracted hauler is the only hauler authorized to provide such residential collection services in the prescribed areas.

Exposed to public view means any premises or any building, or any part thereof, which may be lawfully viewed by the public or any member thereof from the sidewalk, street, alleyway, or open-air parking lot, or from any adjoining or neighboring premises.

Fire hazard means anything or act which may increase or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by the fire marshal's office, or which may obstruct, delay or hinder the prevention, suppression or extinguishments of fire.

Garbage means animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Health hazard means the presence of any items which adversely impact or jeopardize the well-being or health of an individual. Such items include human waste, medical or biological waste, sharp objects, gas use or combustible liquids, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, asbestos, offal and decayed matter.

Household waste means any solid waste, including garbage and trash derived from households, including single and multiple residences, domiciles, campgrounds, picnic grounds and day-use recreation areas.

Infestation means the apparent presence of unpleasant, damaging or unhealthy insects, rodents, reptiles or pests.

Inoperable vehicle means any motor vehicle that by reason of dismantling, disrepair or other reasons is incapable of being propelled under its own power.

Litter means decaying or non-decaying solid or semisolid waste, including, but not limited to, both combustible or noncombustible waste, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, discarded appliances, discarded furniture, dry vegetation, dead or diseased trees, and piles of earth mixed with any of the above foreign objects, including inoperable vehicles.

Lot means a parcel or tract of land, platted or placed on the county clerk's record in accordance with applicable laws and ordinances, generally as a portion of a subdivision intended for development purposes, including public rights-of-way.

Multiple Family Dwelling is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. This classification does not include mobile home parks or multiple individual homes on one property.

Open burning means the combustion of solid waste without:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion;
- (2) Containment of the combustion reaction in an enclosed device to provide sufficient time and mixing for complete combustion; and
- (3) Control of the emission of the combustion products.

Owner means the property owner, whether or not residing on said premises.

Person means any natural person or any firm, partnership, association, corporation, company, or organization of any kind.

Premises means an improved or unimproved structure, designed for private or commercial use.

Public nuisance means creating, performing or maintaining anything without lawful authority that may affect any citizen which is either injurious to public health, safety or welfare, or interferes with the exercise or enjoyment of a public right, including the right to use public property.

Public place means any land owned by the community (or open to common use) such as streets, sidewalks, boulevards, alleys, arroyos or other public ways and any and all public parks, spaces, grounds and buildings.

Residential Collection is refuse collected from a single dwelling or mobile home park not otherwise classified as commercial collection.

Refuse means, but is not limited to, all solid waste including ashes, wastes or unwholesome material or any kind, street cleanings, dead animals, abandoned motor vehicles, vehicle parts and solid market and industrial waste.

Responsible party means the owner of any premises, whether vacant, improved or unimproved, used primarily for either residential, private or business purposes.

Rubbish means and includes, but is not limited to, all solid wastes, both combustible and noncombustible, such as paper, cardboard, cans, wood, yard clippings, leaves, dirt, glass, bedding, crockery, and similar materials.

Site means a lot or combination of lots held in single ownership and requiring solid waste collection service. If several adjacent lots are owned by a developer at the time of building permit issuance, they will be considered separate sites.

Solid waste means, but is not limited to, any garbage, litter, refuse, rubbish, special waste, appliances, inoperable vehicles and other discarded materials originating from residential, business or industrial sources.

Storage means the accumulation of solid waste for the purpose of processing or disposal.

Structure means a structure at least six feet in height and tall enough to eliminate the public's view, including neighbors, of the interior and meets all applicable building codes.

Yard refuse means vegetative matter resulting from landscaping, land maintenance and land clearing operations.

Zoning ordinance means the current county zoning ordinances, found in appendix A to this Code.

(Ord. No. 03-11-16.16A, § 1, 11-16-2003)

• **Sec. 14-20. - Penalty.**

(a)

Any person convicted of a violation of the provisions of this article or any regulation promulgated hereunder shall be guilty of a misdemeanor and shall be subject to a penalty up to the maximum penalty allowed by state statute. Each day such violation is committed or permitted to continue shall be considered a separate offense and shall be punished as such.

(b)

It shall be a violation of this chapter to remove solid waste or recyclable material deposited for collection from public or private property except as provided herein. Any containers provided by the contractor shall be utilized for the purpose intended as provided in this chapter. Any private hauler, other than the exclusive residential franchise hauler, found to be providing residential collection services in the unincorporated areas of Sandoval County, excluding Placitas, will be subject to penalties as described in section C.3 of this chapter and/or Hauler may be reported to New Mexico Environmental, Solid Waste Bureau for violation of this ordinance.

(c)

It shall be a violation of this chapter for any person, firm or corporation to neglect, refuse to comply with, or resist the enforcement of any provision thereof. Violators of any provision of this chapter shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be punished by 90 days in jail for each separate offense and/or a fine as follows:

(1)

Not exceeding \$1,000 for discarding or disposing of solid waste, litter or garbage on public or private property in any manner other than by disposing it in accordance with this chapter; or

(2)

Not exceeding \$5,000 for the improper or illegal disposal of hazardous waste in any manner other than as provided in this chapter; or

(3)

\$300 per occurrence for violation of any other provision of this chapter. It is possible that multiple penalties could accrue per day depending upon the circumstance.

(d)

The director of county planning and zoning or his designee and the code enforcement officers shall enforce this article, as shall deputies of the county sheriff's department. Such

enforcement shall include the inspection of premises, the issuance of violations and the issuance of citations.

(e)

It shall be unlawful and a violation of this article for the owner, builder, agent, lessee or occupant of any lot within the described area of the county to allow solid waste or debris to accumulate upon such property or to allow materials to accumulate and in any way become hazardous or injurious to public health or to obstruct pedestrian or vehicular traffic. Any responsible party who causes, permits, facilitates or aids or abets any violation of any provision of this article shall be subject to enforcement as stated herein.

(f)

Any person violating the provisions of this article may be issued a notice of violation or a citation to magistrate court.

(Ord. No. 03-11-16.16A, § 13, 11-16-2003)

- **Sec. 14-21. - Exterior premises—Vacant land; maintenance standards.**

(a)

General land. All land, including exterior premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of debris or blight, which includes, but is not limited to, graffiti on walls, fences or mail boxes, accumulation of litter, rubbish, refuse, waste material, bottles, paper, glass, cans, organic or inorganic material, inoperable or disabled vehicles, piles of mixed material, dry vegetation, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, lumber not neatly piled, lumber stored in front yards, scrap iron, tin and other metal not neatly piled, or anything whatsoever in which insects, rodents, snakes or other harmful pests may live, breed or multiply or which may otherwise create a health hazard.

(b)

Stored materials. It shall be unlawful to accumulate and store building material, lumber, boxes, cartons or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such manner as to constitute a public nuisance or rodent haborage.

(c)

Exterior insect, rodent and animal control. All premises shall be kept free from insect and rodent infestation and other noxious pests. This provision shall not require action to disturb the natural activity of bees, rabbits, or other insects and animals where such activity is not a danger or nuisance to any residents of the area and where other applicable legal requirements are met.

(d)

Drainage. All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition or becomes a breeding area for insects.

(Ord. No. 03-11-16.16A, § 2, 11-16-2003)

- **Sec. 14-22. - Same—Storage of inoperable or abandoned vehicles.**

(a)

Outdoor storage of inoperable or abandoned vehicles or parts thereof on the premises is prohibited. Inoperable or abandoned vehicles may only be stored on the premises within a

building or enclosure so as not to be visible from any adjoining property or public road. Vehicles shall not be used for storage or other purposes unless enclosed within a building or solid fence on the premises.

(b)

Exceptions.

(1)

This section shall not apply in an area where such activity is within the contemplated purposes of a duly licensed business with the appropriate zoning, or where such vehicles are kept in an enclosed structure, or when vehicles are owned and actively being restored if within the last 30 days the owner has spent at least ten hours of labor in repairing, rebuilding or reconstruction of a motor vehicle. The burden shall be on the owner of the vehicle to prove that it is being actively restored, which may include receipts for the purchase of parts and supplies during the last 30 days which have been installed on the vehicle.

(2)

Any person, being owner or tenant, may store, permit to be stored or allow to remain upon his residential premises any dismantled, partially dismantled or inoperative motor vehicle, or parts thereof, for a period not to exceed one month, if such motor vehicle is registered in the resident's name.

(3)

One inoperable or abandoned vehicle may be stored upon property within the county when not within a wholly enclosed structure, if fully covered and placed in the side or back yard. Any such vehicle must be at least five feet from any property line and at least five feet from any permanent structure.

(c)

Extension. Any person violating this section may, in the event of hardship, request an extension of this article's compliance period by a written request to the planning and zoning director or his designee.

(d)

This section shall not be construed to permit the parking or placement of inoperable or abandoned motor vehicles on any public street. Placement of inoperable or abandoned vehicles on any public street is subject to enforcement by the county sheriff's department or by the county planning and zoning department.

(Ord. No. 03-11-16.16A, § 3, 11-16-2003)

• **Sec. 14-23. - Same—Antilitter.**

(a)

Litter in public places. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the area except in public receptacles, which are approved for collection or at a state approved sanitary landfill.

(b)

Placement of litter in receptacles so as to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such manner as to prevent it from being carried or deposited by the elements or by animals upon any public or private place. Receptacles shall not be placed or positioned in a manner which may constitute a public nuisance or obstruction.

(c)

Unlawful dumping or disposal of solid waste. It shall be unlawful to dispose of solid waste in any manner other than as specified section in [14-24](#).

(1)

Unlawful to dump in arroyo, stream, bed, drainage ditch, fountains or body of water. It shall be unlawful for any person to place or dump solid waste or debris in any arroyo, stream bed, drainage ditch, public fountain or any public body of water within the boundaries of the county.

(2)

Dumping on property. It shall be unlawful for any person to place or dump solid waste or debris on any property within the county, whether owned by such person or not.

(3)

Securing vacant lots. Vacant lots or lands which have been the subject of repeated dumping shall be secured to prevent future occurrences of dumping. Methods of securing vacant lots or lands must be approved and may include permanent fencing, ditch or berm, or placement of four-foot-high posts at four-foot intervals. Signs stating "No Dumping" shall be erected in accordance with applicable ordinances on vacant lands which have been subject to dumping on more than one occasion.

(d)

Transportation of solid waste. No person shall drive or move any vehicle within the county that has been loaded with solid waste unless such solid waste is covered or securely loaded in such a manner to prevent littering.

(Ord. No. 03-11-16.16A, § 4, 11-16-2003)

- **Sec. 14-24. - Dumping, accumulating and scattering of solid waste.**

(a)

Dumping. No person shall discard solid waste anywhere outdoors within the boundaries of this area except at a time and place approved for collection of that person's solid waste. No person shall place solid waste in the solid waste receptacle of another person without permission.

(b)

Unauthorized accumulation. It shall be unlawful to allow any solid waste to collect or accumulate on any lot or other premises within the area. Any such unauthorized accumulation or collection is hereby declared to be a nuisance and is prohibited.

(c)

Scattering of solid waste. No person shall cast, place, sweep, or deposit anywhere in the area any solid waste in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the county.

(d)

Accumulation of C&D debris. Debris resulting from construction or demolition of structures may be collected within an active construction site if and only if the solid waste is contained in such a manner that it will not be carried or deposited by the elements upon any street, sidewalk, parkway, sewer, ditch, arroyo, other public place, vacant lot, or into any premises within the county.

(e)

Burden of proof. In the event any person's name or other identification is affixed or found on any illegally disposed of solid waste or rubbish, such evidence shall constitute prima facie

evidence and presumptive proof of a violation of this article; the burden of proof to establish a non-violation of this article shall be on such person.

(f)

Accumulation for recycling. Notwithstanding other provisions of this article, any person may accumulate and collect recyclable materials for the purpose of recycling it, provided that any collection point:

(1)

Conforms to zoning articles and regulations;

(2)

Is not on public right-of-way;

(3)

Is constructed so that the rubbish is contained at the collection point in compliance with subsection (d) of this section;

(4)

Is shielded from public view; and

(5)

Is registered with or permitted by NMED as a recycling facility.

(g)

Notice of violation. Any such person who violates any provisions of this article shall be issued a notice of violation. If the person fails to remedy violation within the specified time, then the county will require corrective action be started at the site immediately at the expense of the owner, and charge a lien on the property if payment is not received within 30 days of receipt of billing.

(h)

Urgent work. If, in the judgment of the county manager or his designee, safety or public health is at risk, or the public interest requires that a site be cleaned rapidly, the county may require the owner to employ sufficient manpower supplied by the owner to clean the site within 24 hours. If the person fails to remedy the violation within the specified time, then the county will require corrective action be started at the site immediately, at the expense of the owner, and may place a lien on the property to recover the actual cleanup costs.

(i)

Inspection. The county manager or his designee may make such inspections as are reasonably necessary in the enforcement of this section.

(Ord. No. 03-11-16.16A, § 5, 11-16-2003)

- **Sec. 14-25. - Burning of garbage.**

No garbage, solid waste, or debris shall be burned within the county. Fire permits may be obtained by the county fire marshal's office for certain types of yard refuse.

(Ord. No. 03-11-16.16A, § 6, 11-16-2003)

- **Sec. 14-26.- Solid Waste Collection Practices in the Unincorporated Areas of Sandoval County, Excluding Placitas.**

(a) Non-mandatory exclusive residential collection services.

(1)

Sandoval County the County finds that it is expedient and in the best interest of the County to award an eight-year, exclusive franchise agreement for the provision of an exclusive

comprehensive solid waste program in the unincorporated areas of Sandoval County excluding Placitas. This ordinance and the corresponding Agreement exclude any hauler, except for the Contractor, from providing residential solid waste collection services in the unincorporated areas of Sandoval County, excluding Placitas, beginning January 1, 2018, at which time Section 14.20 (c) 3 of this Ordinance becomes applicable to the Agreement referenced in this Section.

(2) Commercial solid waste collection in the unincorporated areas of Sandoval County shall remain open market and is excluded from the residential exclusive franchise agreement.

(b) Frequency of solid waste collection.

(1) Residential solid waste collection. Solid waste accumulated by residences participating in the roadside waste collection program shall be collected at such times and frequency as deemed necessary by the County Manager and as provided in the collection schedule submitted to the County Manager by the exclusive residential hauler.

(2) Commercial solid waste collection.

Hotels, restaurants, other establishments and businesses, and institutions, multiple-family dwellings, excluding mobile home parks, receiving commercial solid waste collection service, as deemed necessary, may enter into an agreement for greater frequency of collection with an open-market, private commercial hauler.

(a) The County Manager shall have the authority to require that more frequent collections be made where necessary to protect the public health.

(b) All commercial solid waste containers are to be accessible between the hours of 4:00 a.m. and 8:00 p.m., or as otherwise designated by the County Manager.

(3) No solid waste collection vehicles shall collect solid waste within 200 feet of a school site within a half hour of school opening or closing for the day.

(c) Limitations of quantity.

(1) Residential solid waste collection. In residential areas designated for exclusive collection services, the Contractor shall collect the solid waste of each residence during a collection period for a standard charge. Any excessive accumulation, as determined by the Contractor, may require a special collection at an additional fee or the provision of an additional contractor-provided solid waste container.

(2) Commercial solid waste collection. Any excess accumulation outside the designated contracted container shall be prohibited. The solid waste must not exceed the container capacity and the solid waste container lid must be closed at all times except when disposal is occurring.

(d) Special and hazardous waste.

(1)

Infectious waste. Wearing apparel, bedding, solid waste or other infectious or contagious material from homes, hospitals nursing homes, or other places where highly infectious or contagious diseases have prevailed shall not be placed in containers for regular collection. The producers of such solid waste shall immediately notify the County Manager, who shall provide technical assistance on proper collection and disposal of such material, at the expense of the owner or possessor thereof.

(2) Hazardous waste.

Hazardous waste shall not be collected, transported or disposed of unless in full compliance with local, state and federal regulations regarding transportation and disposal. Hazardous waste material shall not be placed in containers for regular collection and disposal. The producers or possessors of such material shall immediately notify the County Manager, who shall provide technical assistance on the proper collection and disposal of such material, at the expense of the owner or possessor thereof. The County further reserves the right to prohibit the disposal of hazardous waste within the unincorporated areas of the county.

(e) Service Fees

(1)

Residential service fees for collection of solid waste in designated non-mandatory exclusive service areas in the unincorporated areas of Sandoval County, excluding Placitas, shall be established and adopted through an Agreement by the Board of County Commissioners and the exclusive residential franchise hauler. The property owner shall be responsible for payment of fees for collection services within designated exclusive service areas, should such property owners choose to subscribe to the non-mandatory residential solid waste collection services.

(2)

Commercial service fees. Hotels, restaurants, other establishments and businesses, institutions, and multiple-unit dwellings, excluding mobile home parks, receiving commercial solid waste collection service, including construction and demolition collection in a designated service area shall have service fees as charged by the open market hauler and based on the type and frequency of service, and the volume of the solid waste container.

(f) Use of county convenience centers or transfer stations.

(1)

Any residential or business producer of solid waste, including county residents, may dispose of solid waste at any county convenience center. Fees for use of the convenience center or transfer station will be established by the Contract Agreement as established by the contracted operator of any county-owned convenience center or transfer station.

(2)

Salvaging and scavenging is prohibited at the county convenience centers or transfer stations at all times.

• **Sec. 14-276. - Public nuisance.**

It is unlawful to commit a public nuisance. The term "public nuisance" consists of knowingly creating, performing, or maintaining anything affecting any number of citizens without lawful authority which is either injurious to public health, safety, morals, or welfare, or interferes with the exercise and enjoyment of public rights, including the right to use public property.

(Ord. No. 03-11-16.16A, § 7, 11-16-2003)

• **Sec. 14-287. - Nuisance declared.**

(a)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dismantled or partially dismantled vehicle means any motor vehicle from which some part or parts which are ordinarily a component thereof have been removed or are missing.

Inoperative or inoperable motor vehicle means any motor vehicle which, by reason of dismantling, disrepair, or other cause, is incapable of being propelled under its own power.

Motor vehicle means any wheeled vehicle which is self-propelled or intended to be self-propelled.

(b)

Prohibited accumulations. In the interest of the inhabitants of the area, it is necessary to prohibit the accumulation of junk, trash, and refuse on property within the area by declaring such accumulation a nuisance. The following are hereby declared to be a public nuisance:

(1)

Unoccupied premises. It shall be unlawful for any person to sweep, place, or throw solid waste or other waste materials in or upon any sidewalk, street, alley, or unoccupied premises.

(2)

Unsanitary premises. It shall be unlawful for any person to permit or cause to remain in or about his premises any solid waste, weeds, motor vehicles not in operating condition, wastewater or any conglomeration of residue thereof which emits odors or serves as a feeding or breeding place for flies, insects or rodents. The accumulation of building materials, pipes, lumber, or boxes may be maintained on said premises if said accumulation is evenly piled and stacked for a reasonable length of time.

(3)

Hazardous premises. It shall be unlawful for any person to permit in or about his premises weeds, briars, brush, or any other solid waste to become in any way hazardous or injurious to public health or to obstruct pedestrian and vehicular traffic.

(4)

Obstruction of fire protection equipment. No person shall place or keep any post, fence, vehicle, growth, trash storage, or other material or thing near any fire hydrant, fire department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the firefighters from gaining immediate access to said equipment or hydrant.

(5)

Accumulation of solid waste.

a.

It shall be unlawful for any person to allow any solid waste to accumulate upon premises owned, leased, rented or occupied by him during intervals between collections thereof, except in the manner herein provided.

b.

It shall be unlawful to deposit any solid waste in or upon the streets, alleys, sidewalks, gutters, curbing, storm sewers, parkways, or vacant lots within the area except in the manner and in the receptacles or containers as provided in subsection (b)(6) of this section.

(6)

Solid waste receptacles. All solid waste receptacles shall be maintained in a clean and sanitary condition by the owner or person using the receptacle and such receptacles shall be located only in such places as shall be readily accessible for removing and emptying the same, but shall not be placed in such place or position as may constitute a nuisance or obstruction to vehicular or pedestrian traffic.

(7)

Outdoor vehicle storage; prohibited acts; exceptions.

a.

It is unlawful for any person, firm or corporation to store on, place on, or permit to be stored or placed on, or allowed to remain on any occupied or unoccupied land within the area limits, a dismantled, partially dismantled, not properly registered, or inoperative motor vehicle, or any parts of a motor vehicle, except in businesses and are kept in a wholly enclosed garage or structure.

b.

Exceptions. Any person, being owner or tenant, may store, permit to be stored or allow to remain upon his premises any dismantled, partially dismantled, or inoperative motor vehicles, or parts thereof, for a period not to exceed one week if such motor vehicle is registered in his name, provided that any such owner or tenant may, in the event of hardship, secure permission from the county to extend such period of time.

(c)

Applicability of section; parking of dismantled, inoperable vehicles restricted. This section shall be construed as being supplementary to any sections of this article relating to rubbish, litter, or refuse, and shall not be construed to permit the parking or placing of dismantled, partially dismantled, or inoperable motor vehicles on any public street.

(Ord. No. 03-11-16.16A, § 8, 11-16-2003)

- **Sec. 14-298. - Notice of nuisance.**

Any county sheriff's officer, upon observing any violation of this article, shall issue a notice directed to the owner of record of the property on which the nuisance occurs, or to the occupant or tenant of the property, or both. The notice shall describe the violation and shall establish a reasonable time limit for abatement thereof by the owner occupant or tenants, which limit shall be not less than two days or more than 30 days after service of the notice. The notice may be served either personally or by registered mail at the owner's or occupant's last known address.

(Ord. No. 03-11-16.16A, § 9, 11-16-2003)

- **Sec. 14-3029. - Complaint.**

In the event the owner or occupant of the property where the nuisance violation of this article exists has failed, within the prescribed time, to abate the nuisance, then any law enforcement police officer shall file a compliant charging violation of this article with the magistrate court

demanding that the owner of the property, or the occupant thereof, or both, be held to answer to the court for the violation of this article.

(Ord. No. 03-11-16.16A, § 10, 11-16-2003)

- **Sec. 14-310. - Removal of nuisance.**

In the event that a person is convicted of violating this article and still refuses to remove the junk, trash or refuse, the county may enforce this article in any manner consistent with law. Should the person refuse or fail to pay the assessment, the county shall collect such assessment as provided by law.

(Ord. No. 03-11-16.16A, § 11, 11-16-2003)

- **Sec. 14-321. - Injunction.**

The county sheriff, when a nuisance exists as set forth in this article, may maintain a complaint in the name of the county, perpetually, to enjoin all persons from maintaining or permitting the nuisance and to abate the same.

(Ord. No. 03-11-16.16A, § 12, 11-16-2003)

- **Sec. 14-332. - Injunctive relief.**

The placement of solid waste which causes a nuisance or creates a potential or actual health hazard shall be deemed, or declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 03-11-16.16A, § 14, 11-16-2003)

[Sec. 12-31. - Fees.](#) [Chapter 16 - FIRE](#)

ATTEST

BOARD OF COUNTY COMMISSIONERS
SANDOVAL COUNTY

Eileen Garbagni, County Clerk

Don G. Chapman, Chair

David J. Heil, Vice-Chair

APPROVED AS TO FORM:

Jay C. Block, Member

Heather R. Smallwood, County Attorney

F. Kenneth Eichwald, Member

James F. Holden-Rhodes, Member