

# City of Rio Communities, New Mexico

## CHAPTER 11 HEALTH AND SAFETY

### ARTICLE 3 TRASH ACCUMULATION

#### SECTION 1 DEFINITIONS

#### SECTION 2 ACCUMULATION PROHIBITED

#### SECTION 3 REMOVAL NOTIFICATION

#### SECTION 4 VIOLATION AND PENALTY

#### SECTION 5 ILLEGAL DUMPING

### APPENDIX AMENDMENTS (This section will contain a listing of all amendments added to the ordinance.)

#### 11-3-1 DEFINITIONS

For the purpose of this Article, the following meanings shall apply:

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

"Person" means person, individual, firm, partnership, corporation, company, association or any other entity owning or utilizing as tenant, landlord or otherwise, any real property in the City.

"Refuse" includes, but is not limited to garbage, ashes and petroleum products.

"Rubbish" includes, but is not limited to, barrels, bedding, cans, cardboard, car bodies, drums, crockery, glass, grass cuttings, leaves, metal, paper, rags, rubber, sawdust, trees, tree stumps, weeds, wire, wood scraps and similar material.

#### 11-3-2 ACCUMULATION PROHIBITED

No person shall permit debris, refuse, rubbish or garbage, trash or other similar material to accumulate on any portion of their property when the accumulation constitutes a detriment to the public health, public safety or a fire hazard and a fire hazard to the community.

### **11-3-3 REMOVAL NOTIFICATION**

If any accumulation is allowed to exist by any person or any property within the limit of the City for a period of five days after being notified by a duly authorized agent to remove same, the City may:

- A. Remove all of the refuse, rubbish, garbage or similar material. All expenses incurred by the City in the removal are deemed to constitute a lien on the real property and collectible by the City in accordance with applicable provisions of lien statutes of the state of New Mexico; and
- B. Serve owner or occupant with a twenty-four (24) hour notice to remove immediately the accumulation of all of the refuse, rubbish, garbage or similar material. Failure to comply with this notice shall constitute a violation of this Article.

### **11-3-4 VIOLATION AND PENALTY**

People violating any of the provisions of this Article shall be fined or penalized, based on the discretion of the Municipal Judge.

### **11-3-5 ILLEGAL DUMPING**

#### **A. Authority**

Illegal dumping is the disposal of trash, scrap tires or any solid waste in a manner that violates the Solid Waste Act (Chapter 74, Article 9, § § 1 through 42 and 72 and 73 NMSA 1978) or the Recycling and Illegal Dumping Act.

#### **B. Illegal Dumping**

It shall be unlawful to dispose of solid waste in any manner other than as specified in Article 13-3-3 of this code.

1. It shall be unlawful for any person to place or dump solid waste or debris on any property within the City whether owned by the person or not.
2. Vacant lots or lands that have been the subject of repeated dumping may 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 that have been subject to dumping on more than one occasion.

3. 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 City.

**C. Presumption of violation**

Whenever any litter is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writings that display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this subsection.

**D. Penalties**

Offenders shall be prosecuted and may be fined up to \$500 or forfeit their vehicle or forfeit their business license or perform community service as determined by the Municipal court.

**City of Rio Communities  
Code of Ordinances  
APPENDIX  
AMENDMENTS**

City of Rio Communities, New Mexico

Ordinance No: 2017-53

**TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2014-18, DATED: MAY 13, 2014.  
CHAPTER 11: HEALTH & SAFETY: ARTICLE 3 TRASH ACCUMULATION**

**AMENDMENT 1: Section 11-3-2**

Statement: ACCUMULATION PROHIBITED

No person shall permit debris, refuse, rubbish or garbage, trash or other similar material to accumulate on any portion of their property when the accumulation constitutes a detriment to the public health and a fire hazard to the community.

Add: “, public safety or a fire hazard” after “public health”.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO, HEREBY PASSED, APPROVED AND ADOPTED THIS 10<sup>th</sup> DAY OF January 2017.**

**City of Rio Communities Governing Body**

\_\_\_\_\_  
Mark Gwinn,  
Mayor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr,  
Councilor Mayor Pro-tem

\_\_\_\_\_  
William (Bill) Brown,  
Councilor

\_\_\_\_\_  
Arturo R. Sais,  
Councilor

\_\_\_\_\_  
Thomas Scroggins,  
Councilor

ATTEST:

\_\_\_\_\_  
Elizabeth (Lisa) Adair,  
Municipal

Clerk

# City of Rio Communities, New Mexico

## Ordinance No: 2014-18

APPROVED, ADOPTED AND SIGNED this 13th day of May 2014 by the Governing Body of the City of Rio Communities.

---

Mark Gwinn, Mayor

City of Rio Communities

ATTEST:

---

Mary Lee Serna, Mayor Pro Tem

City of Rio Communities

End of Appendix