

City of Rio Communities, New Mexico

Ordinance No: 2017-54

**TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2016-46, DATED: MARCH 8, 2016.
CHAPTER 13, PUBLIC PEACE, MORALS AND VICE**

AMENDMENT 1: Section 13-3-3 (E)(1)(2)(3) Definition (REFUSE AND WASTE)

Statement: **E. Solid Waste Receptacles:** All solid waste receptacles shall be maintained in a clean and sanitary condition by the owner or person using the receptacle. All solid waste receptacles shall be located only in places that shall be readily accessible for removing and emptying but shall not be placed or positioned in such a manner that may constitute and cause a nuisance or obstruction to vehicular or pedestrian traffic.

Add:

- 1. Approved Residential Waste Disposal Receptacles:** The standard approved residential refuse container or receptacle shall have a capacity of not more than 90-gallons. The container shall be constructed of a sturdy and impervious material that is leak-proof and covered with a tight-fitting lid, and may have at least two (2) wheels to facilitate moving and handling.
- 2. Commercial Receptacle:** An approved waste receptacle for commercial use shall meet the same criteria as a residential receptacle, except that it may exceed 90 gallons in capacity.
- 3. Mandatory Use of Approved Receptacles:** It shall be mandatory that all waste, garbage, or rubbish generated by a residential household or commercial entity, be temporarily stored in an approved waste receptacles so as to prevent or attract vermin, pests, or parasites.

Add to definitions:

Residential Solid Waste: Any waste, garbage or rubbish that originates from, or is generated by the normal activities of a household, including, but not limited to, food waste and packaging, bottles, cans, jars, paper products, yard trimmings and household cleaning products.

AMENDMENT 2: Section 13-3-5 (D) DEFINITIONS; SECTION 5 (WEED CONTROL AND NATIVE PLANTS)

Add to definitions:

Non-Cultivated : Relating to vegetation that is not under institutional or managed cultivation or vegetation that does not occur naturally without intentionally being planted, prepared, tilled, or cultivated for the purpose yielding a consumable product, or for yielding vegetation intended to enhance or complement landscape.

AMENDMENT 3: Section 13-3-5 (F) SECTION 5 (WEED CONTROL AND NATIVE PLANTS)

Statement: **F. Growth and Accumulation**

1. It is unlawful for any owner, lessee or occupant having charge or control of any occupied, unoccupied or unimproved lot or tract of land within the City to permit or maintain any growth of weeds or vegetation that are highly flammable or attain a height greater than twenty (20) inches or any accumulation of weeds on any such lot or tract of land, including any curb, gutter, sidewalks and the area located between the property line and the middle of the alley adjacent to any such lot or tract of land.

Replace:

1. It is unlawful for any owner, lessee or occupant having charge or control of any occupied, unoccupied or unimproved lot or tract of land within the City to permit or maintain any unfettered growth of weeds or non-cultivated vegetation that are:
 - a. Deemed highly flammable; or
 - b. Attain a height greater than twenty (20) inches; or
 - c. Located along any curb, gutter or sidewalk; or
 - d. Located between a property line and the middle of an alley; or
 - e. Located between a property line and the middle of a utility or public easement; or
 - f. Located between a property line and a curb, gutter, sidewalk, or edge of a public road.

AMENDMENT 4: Section 13-3-1 (PUBLIC NUISANCE PROHIBITED)

Statement: It is unlawful to commit a public nuisance. A public nuisance is knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority that 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.

Add: NOTE: Questions concerning placement of property borders are the responsibility of the parcel owners.

AMENDMENT 5: Section 13-3-3(D)(1) (REFUSE AND WASTE)

Statement: It is unlawful for any person to allow any solid waste to accumulate upon their premises, whether owned, leased, rented or occupied, during intervals between collection of trash or waste except in the manner as provided in this Article.

Revised: It is unlawful for any person,, to permit whether a household or commercial entity or cause to remain in or about their premises any solid waste, to include garbage and rubbish; weeds, motor vehicles not in operating condition, waste water, or any conglomeration of residue that emits odors, or serves as a feeding or breeding ground for flies, insects or rodents, and as determined by the City, to be unsanitary or injurious to public health, and presents a potential fire hazard.,

AMENDMENT 6: Section 13-3-5(WEED CONTROL AND NATIVE PLANTS)

Statement: No target area to focus enforcement.

Question: Map is a suggestion of primary target areas for focus of code enforcer enforcement officer. They can direct activities anywhere in the city limits as serious violations are observed.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO, HEREBY PASSED, APPROVED AND ADOPTED THIS 10th 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