

ORDINANCE NO. 274

AN ORDINANCE AMENDING SECTIONS 50.19 and 50.21 OF THE TULAROSA CODE OF ORDINANCES REGULATING PLACEMENT, USE AND MAINTENANCE OF RECEPTACLES AND PROVIDING PENALTIES.

A. Be it ordained by the governing body of the Village of Tularosa that Sections 50.19 and 50.21 of the Tularosa Code of Ordinances are amended to read as follows:

**§ 50.19 PLACEMENT, CONSTRUCTION AND MAINTENANCE OF RECEPTACLES.**

(A) Unless solid waste receptacles are otherwise provided by the Village of Tularosa or by a franchised collector as the case may be, it shall be the responsibility of every person owning or controlling any residence or commercial establishment to provide and maintain in reasonably good repair one or more solid waste receptacles which conform to those provided by the Village of Tularosa

(B)(1) Solid waste receptacles shall be closed, sufficiently sturdy to prevent ripping and spillage in the collection process and adequate to prevent scavenging by animals or dispersal of contents by natural elements.

(2) Containers composed of materials other than rigid plastic or metal shall be considered disposable and may be removed by the franchised collector.

(3)

Solid waste receptacles used at a residence shall not exceed 96 gallons in capacity and must be capable of being mechanically handled by the Village of Tularosa solid waste collection equipment without damage to such equipment.

(4) Every solid waste receptacle shall be kept in a clean and sanitary condition by its owner or user.

(5) Bundles of non-putrescible waste or yard waste which are in four-foot bundles or tied not to exceed 50 pounds may be placed at the nearest point of driving surface of the road for collection.

(6) Construction debris, rubbish and waste accumulated by any person owning or controlling property served by the Village solid waste collection system

who is engaging in construction, remodeling or demolition, or tree and yard trimmings accumulated by any person owning or controlling property served by the Village solid waste collection system gardening or landscaping must not be placed in receptacles furnished by the Village.

(C)(1) Every person owning or controlling a residence shall place all solid waste receptacles under his or her control for collection at the nearest point of driving surface of the road on the collection day designated by the franchised collector and shall remove them from the side of the thoroughfare within 12 hours after pickup.

(2) All solid waste receptacles used at a residence shall be stored behind a fence or within an enclosure or otherwise out of sight from any public way, except on collection day.

(D)(1) The Village Mayor or the Village Clerk-Treasurer may designate where solid waste receptacles used at commercial establishments shall be placed.

(2) The village shall not authorize any placement of any commercial containers in a residential area.

## **§ 50.21 COLLECTION, TRANSPORT AND DISPOSAL.**

Solid waste shall be collected and disposed of only by the Village of Tularosa or a franchised collector, except that:

(A) Construction debris, rubbish and waste must be collected and hauled from the premises involved by those engaged in construction, remodeling or demolition;

(B) Tree and yard trimmings accumulated by persons engaged in the business of gardening or landscaping must be collected and hauled from the premises where the trimmings have accumulated;

(C) Owners, occupants or persons in control of commercial establishments may haul and properly dispose of their own solid waste, subject to payment of the assessment set forth in § 50.16;


(D) Owners, occupants or persons in control of a residence may haul and properly dispose of occasional, one-time loads of excess solid waste;

(E) Clean sawdust, rotted manure for fertilizer or farm debris may be collected and hauled by any person; and

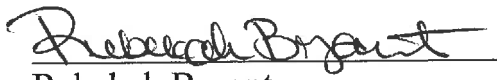
(F) Materials which are to be recycled may be removed by the owner or person occupying or controlling real property or any person under contract to remove the material for reuse under a recycling program.

Any violation of this Ordinance shall be punishable under Section 10.99 of the Tularosa Code of Ordinances.

PASSED AND ADOPTED by the governing body of the Village of Tularosa on the 19th day of AUGUST, 2020.

  
Margaret Trujillo  
Mayor  
Village of Tularosa

ATTEST:

  
Rebekah Bryant  
Village Clerk