

ORDINANCE NO. 117

AMENDING ORDINANCE 104 CONCERNING THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLES

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE that Ordinance No. 104 concerning the collection of solid waste is hereby amended as follows:

SECTION 9. Fees for Public Collection and Disposal

D. It shall be a violation of this ordinance for any person owning, controlling, or operating any premises or real property to fail or refuse to pay the fees imposed for the collection of solid waste and recyclables.

SECTION 12. Penalties and Enforcement

A. Any person, firm or corporation violating any provision of this ordinance shall, upon conviction, be punished by fines or imprisonment up to the maximum allowed by New Mexico law for each offense except that the failure or refusal to pay collection fees will not be punishable by imprisonment. Each day's violation will be considered a separate offense. The failure or refusal to pay collection fees for each billing cycle will be considered a separate offense. These penalties shall not limit the right of the Village to pursue injunctive relief or other remedies authorized by law.

D. If any person owning, controlling, or operating any premises or real property fails or refuses to pay the charge imposed for the collection of solid waste and recyclables, or the charge made against the real property specially benefitted by the removal of solid waste, the Village may take any of the following actions:

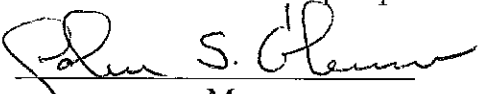
1. The Village may make an assessment against the real property, and if it is not paid, the Village may institute lien proceedings against the real property as provided by Sections 3-36-1 et seq. NMSA 1978 or its successor municipal lien statute.

2. The Village may institute criminal proceedings in Municipal Court for violation of the provisions of this Ordinance. The Village is empowered to commission the Contractor to file criminal complaints and to present evidence concerning any delinquency. The Municipal Court has authority to order payment of the delinquent fees directly to the Contractor.

3. The Village may take any other actions that are not prohibited by state law including filing civil actions for recovery of delinquent fees in a court of competent jurisdiction.

The provisions of this Ordinance shall not be construed to in any way limit the right of the Contractor to collect delinquent charges for its services, provided that collection by the Village or the Contractor shall relieve the obligation to the other to the extent of the recovery.

Approved this 9<sup>th</sup> day of March, 1994, by the Village of Los Ranchos de Albuquerque.

  
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Mayor

ATTEST:

  
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Village Clerk