

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE REPEALING AND REPLACING CHAPTER 50: "GARBAGE AND REFUSE" IN THE CODE OF ORDINANCES OF THE CITY OF RATON.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RATON, NEW MEXICO:

SECTION 1: Chapter 50: "Garbage and Refuse" in the "Code of Ordinances of the City of Raton, Colfax County, New Mexico" as codified and compiled in book form is hereby repealed.

SECTION 2: Replace Chapter 50: "Garbage and Refuse" in the "Code of Ordinances of the City of Raton with the following:

**CHAPTER 50: MUNICIPAL SOLID WASTE**

**GENERAL PROVISIONS**

**§ 50.01 SHORT TITLE.**

Sections 50.01 et seq., through 50.39 et seq., inclusive; shall be known and may be cited as the "Municipal Solid Waste Collection Service Ordinance of the City of Raton."

**§ 50.02 DEFINITIONS.**

For the purposes of §§ 50.01 et seq. through 50.39 et seq., inclusive; the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ASHES.** The residue from the burning of wood, coal or other combustible materials.

**CITY.** The City of Raton.

**CONTAINER (or DUMPSTER).** Receptacle provided by the City and used to accumulate municipal solid waste from residential, commercial and institutional sites. Containers shall be equipped for utilization with the City's municipal solid waste collection equipment and facilities. Containers may vary in size, type and location according to the determination of the City.

**CONSTRUCTION AND DEMOLITION DEBRIS (C and D).** Material generally considered to be 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 project, and includes rocks, soil, tree remains, trees and other vegetative matter that normally results from land clearing.

Construction and Demolition Debris does not include (including but not limited to) asbestos or liquids, waste paints, solvents, sealers, adhesives or potentially hazardous materials.

**GARBAGE.** Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

**GENERATOR.** The person generating or producing any garbage, infectious waste, refuse, solid waste, restricted waste, recyclable materials or the like.

**INFECTIOUS WASTE.** Hospital and laboratory waste, including pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients and laboratory animals) and disposal fomites (any substance which may harbor or transmit pathological organisms) attendant thereto. Also, surgical operating room pathogenic specimens and disposal fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms. Also, equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease.

**MUNICIPAL SOLID WASTE (MSW).** Putrescible and nonputrescible solid waste generated by households, commercial and institutional establishments; including garbage, rubbish, food wastes, market wastes, yard clippings, and non-recyclable product packaging materials, and other miscellaneous solid wastes.

Municipal solid waste generally excludes source-separated recyclable materials, body wastes, medical and infectious wastes, dead animal (greater than 5 pounds), sewage, ashes, street cleanings, vehicles, equipment and mechanical parts, electronics and electronic components, industrial wastes, chemical wastes, petroleum and hydrocarbon wastes, contaminated soil, white goods and appliances, paints, limbs and branches, furniture, mattresses and other bedding, construction and demolition waste, dirt, rocks, debris, hazardous and toxic wastes, special waste, bulky wastes and similar materials.

**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**PUBLIC WORKS DIRECTOR.** The manager or his designated staff that oversees the physical facilities and services of the City of Raton related to public works operations. The public works director works under the direction of and provides administrative assistance to the city manager.

**RECYCLABLES.** Material in the recycling process diverted or removed from the solid waste stream that may be reused with a substantial amount of the materials consistently utilized to manufacture a product which otherwise would have been produced using a virgin material. Recyclables are not solid waste.

**REFUSE.** All putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, solid

market and industrial wastes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, and similar materials.

**RESTRICTED WASTE.** Generally means all waste materials including garbage, solid waste and waste materials excluded from the definition of MSW, including but not limited to construction and demolition debris, body wastes, medical and infectious wastes, dead animals, sewage, ashes, street cleanings, vehicles, tires or tire waste, equipment and mechanical parts, electronics and electronic components, industrial wastes, chemical wastes, petroleum and hydrocarbon wastes, contaminated soil, white goods and appliances, paints, limbs and branches, furniture, mattresses and other bedding, construction and demolition waste, dirt, rocks, debris, hazardous and toxic wastes, special wastes, bulky wastes and similar materials.

**WATER COURSE.** Any river, creek, arroyo, canyon, draw, wash, or any channel having definite banks and beds with visible evidence of constant or occasional flow of water.

### **§ 50.03 COLLECTION OF MUNICIPAL SOLID WASTE BY CITY.**

- (A) Generally. All municipal solid waste accumulated in the city shall be collected, conveyed, and disposed of by the city. No person, corporation or other entity, shall collect or convey over any of the streets or alleys of the city, or dispose of, any municipal solid waste accumulated in the city.
- (B) Authorized Usage. Only persons with an existing solid waste account in good standing with the City are authorized to dispose of municipal solid waste in City owned containers or utilize the City's solid waste facilities.
- (C) Exceptions.
- (1) Sections 50.01 et seq. through 50.39 et seq., inclusive; shall not prohibit the actual producers of Restricted Waste, or the owners of premises upon which Restricted Waste has accumulated, from personally collecting, conveying, and disposing of the Restricted Waste, provided the producers or owners comply with the provisions of § Sections 50.01 et seq. through 50.39 et seq., inclusive; and with any other governing law or ordinances.
  - (2) Sections 50.01 et seq. through 50.39 et seq, inclusive.; shall not prohibit collectors of refuse from outside of the city from hauling the refuse over city streets, provided the collectors comply with the provisions of §§ 50.01 et seq. through 50.39 et seq., inclusive; and with any other governing law or ordinances.

Penalty, see § 50.99

#### **§ 50.04 PUBLIC WORKS DIRECTOR.**

- (A) All garbage and municipal solid waste accumulated in the City shall be collected, conveyed, and disposed of by the City under the supervision of the Public Works Director. The Public Works Director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and the other matters pertaining to the collection, conveyance, and disposal, as he or she shall find necessary, and to change and modify the same after notice as required by law; provided that the regulations are not contrary to the provisions of §§ 50.01 *et seq.* through 50.39 *et seq.*, inclusive; the Public Works Director shall have the authority to refuse acceptance of any waste by the City of Raton. In the absence of the Public Works Director, authority listed herein shall be assumed by the City Manager or his or her designee.
- (B) Any person aggrieved by a regulation of, or fee charged by, the Public Works Director shall have the right of appeal to the City Manager, who shall have the authority to confirm, modify, or revoke the regulation or fee.

Penalty, see § 50.99

#### **§ 50.05 UNLAWFUL STORAGE, ACCUMULATION, DISPOSAL AND THE LIKE.**

- (A) (1) No person shall place any refuse, garbage, municipal solid waste or restricted waste in or on any street, alley, or other public place, or upon any private property whether owned by the person or not, within the city, except it be properly placed in designated containers for collection or under express approval granted by the Public Works Director.
  - (2) Nor shall any person throw or deposit any refuse, garbage, municipal solid waste, yard waste, C and D or restricted waste in any water course.
- (B) Any unauthorized accumulation of refuse or restricted waste on any premises is hereby declared to be a nuisance and is prohibited. No person (whether owner, tenant, lessee, manager or other person) shall permit any solid waste, litter, or construction and demolition debris, or any composition or residue thereof, which is in an unsanitary condition or hazardous, to public health to remain upon the property.
- (C) No person shall cast, place, sweep, or deposit anywhere within the city any refuse in a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any occupied premises within the city.
- (D) Transportation of solid waste shall be accomplished through the use of equipment that will prevent solid waste from being blown, dropped, spilled or otherwise permitted to

escape during transport. Persons transporting solid waste without a tightly secured and leak-proof cover will be subject to additional fees as established by resolution.

Penalty, see § 50.99

### **§ 50.06 WASTE OWNERSHIP AND RESPONSIBILITY.**

The ownership of all garbage, refuse, restricted waste or rubbish material shall remain the property of the generator and the responsibility of the generator until properly placed in designated container and collected by the City. The person generating or producing any refuse, restricted waste or solid waste shall be responsible for the proper storage, removal, transport and disposal of his or her refuse, restricted waste or solid waste.

All wastes are the property of the person generating them until:

1. The wastes are legally and properly deposited in an authorized designated City container;
2. The person generating or producing Restricted Waste shall legally remove, transport and dispose of Restricted Waste on a self-haul basis.
3. The wastes are legally deposited at an approved waste disposal, recycling or other waste processing facility.

In those instances where a person rents or leases to another, the underlying property owner or agent shall be ultimately responsible for solid waste generated and/or stored on those premises should said solid waste remain on the premises beyond the tenant term.

No person shall scavenge, salvage, collect, or remove of any garbage, refuse, or rubbish material deposited properly within a City container, except by the authority of the Public Works Director. Properly authorized recycling entities may, with approval of the Public Works Director and the generator, may be allowed to remove presorted materials.

## **COLLECTION PROCEDURES**

### **§ 50.20 PREPARATION FOR COLLECTION.**

The following shall describe the responsibilities of all generators of solid waste:

- (A) All solid waste must be drained of liquid substance before it is placed in waste containers.

- (B) Solid waste shall be sealed in bagged or closed containers;
- (C) No single container of waste or bundle of waste materials shall exceed fifty pounds in weight when placed in City's container;
- (D) Generators of solid waste are required to place and maintain garbage and solid waste in City-provided container;
- (E) Users of City containers shall close container lids and shall secure latch.
- (F) Residential or commercial waste improperly placed will not be collected.
- (G) Rubbish which includes grass clippings, leaves and pine needles must also be placed in plastic bags.

The following items shall not be deposited in City solid waste container:

Any waste material listed under the definition of Restricted Waste;

Asbestos Containing Materials

Chemical products;

Fluorescent tubes;

Herbicides and pesticides;

Wood ash that has not cooled or that may otherwise be capable of rekindling or igniting a fire if brought in contact with combustible materials.

This chapter does not in any way obligate the city, its employees, agents and/or contractees, to clean or pick up solid waste that is improperly placed in container or in any other manner.

No person shall place or cause to be placed in containers provided for collection of garbage or municipal solid waste, such materials as flammable, explosive, or hazardous materials. All such materials shall be placed in separate containers and be disposed of at a facility licensed to handle these types of wastes.

Penalty, see § 50.99

#### **§ 50.21 FREQUENCY AND VOLUME OR WEIGHT OF COLLECTION.**

- (A) *Residential.* Municipal solid waste accumulated by residences shall be collected from dumpsters provided by the city. The Public Works Director shall collect a reasonable accumulation of refuse from each residential account during a collection period for the standard charge.

- (B) *Commercial.* Hotels, restaurants, and other businesses and institutions as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the Public Works Director shall have the authority to require that more frequent collection be made. The Public Works Director shall collect a reasonable accumulation of refuse of hotels, restaurants, and other businesses and institutions during the collection period at a fair charge based upon the average weight or volume. The Public Works Director shall have the authority to refuse to collect unreasonable amounts or to make an additional charge for the amounts.

Penalty, see § 50.99

#### **§ 50.23 COLLECTION OF REFUSE FROM PREMISES CONTAINING INFECTIOUS OR CONTAGIOUS DISEASES.**

- (A) The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the County Health Officer.
- (B) The refuse shall not be placed in containers for regular collections.

Penalty, see § 50.99

#### **§ 50.24 MANAGEMENT OF NON-MSW WASTE MATERIAL.**

- (A) *City Service Acceptance.* The Public Works Director may provide for the acceptance of non-MSW waste materials at the City of Raton Convenience Center upon payment by the generator or responsible person of fees determined by the Public Works Director. Fees shall be paid in advance or at the time of service. Materials shall be delivered by the owner or generator to the City of Raton Convenience Center or other designated site by the generator or responsible person.
- (B) *Special Collection Services.* The Public Works Director may provide special collection services including loading, transportation, and/ or disposal of restricted wastes or large amounts of waste. The Public Works Director shall establish additional fees for special collection services consisting of the actual cost of such removal plus an administrative and overhead charge.
- (C) *Construction and Demolition Debris.* Each generator shall be responsible for arranging collections with an authorized private hauler for the collection, removal, and disposal of any construction and demolition debris waste. Construction and demolition debris must be delivered to a facility authorized to accept such waste.

- (D) *Tree and Wood Waste.* Brush, limbs, and cuttings from trees and shrubs which have been trimmed or removed by a person or commercial tree trimmer shall be transported and disposed of at the expense of the generator or person controlling the same.
- (E) *Bulky Waste.* Commercial or household furnishings, goods and appliances, including but not limited to stoves, refrigerators, washing or drying machines, water heaters, sofas, chairs, cabinets, tables, mattresses and box springs, shall be transported and disposed of at the expense of the generator or person controlling same.
- (F) *Lead Acid Batteries, Waste Oil, and Electronics.*

1) Lead acid batteries, waste oil and electronics will be accepted at the City of Raton Convenience Center or designated recycling facility for separate fees for City residents, non-City residents, and commercial businesses. Materials shall be delivered by the owner or generator to Convenience Center or other designated site by the generator or responsible person.

2) The City will not accept up any freon-containing appliances, such as air conditioners, refrigerators, freezers, dehumidifiers and cooling units. The Owner of a freon-containing appliance shall be responsible for delivering all such appliances to a disposal facility authorized to accept such wastes. The owner shall be required to remove all doors that may be locked in the closed position before delivery.

- (G) *Tires.* No person shall set out for collection or cause or allow the open dumping of any used or waste tire, cause or allow the open burning of any used or waste tire, or abandon, leave, or dump any used or waste tire on private or public property, or knowingly mix any used or waste tire, either whole or cut, with municipal waste.

Each commercial generator of scrap, used or waste tires shall be responsible for the collection, removal, and disposal of all scrap, used or waste tires or tire waste. Waste tire transportation shall be performed by an authorized registered tire transporter. Disposal of waste tires shall be completed at a state-registered tire recycling facility or tire disposal facility. Generators and transporters of waste tires shall maintain records of tire disposal, including waste tire manifest forms signed by the transporter and the facility accepting the tires.

The Public Works Director may set fees and provide acceptance of waste tires for persons with an existing solid waste account in good standing with the City that are not a commercial tire business. Persons are limited to disposal of a maximum of 4 waste small vehicle tires per year at City of Raton facilities.



## **FEES**

### **§ 50.35 GENERAL.**

The City of Raton hereby establishes user fees to fund the public collection of solid waste.

Monthly billing fees for solid waste services shall be established herein. There shall be fees for all persons, residents, commercial establishments or any entity for which the City collects solid waste. Except as provided herein, each user shall pay a fee for each residential and commercial unit, or any entity for which the City collects solid waste.

The fees charged pursuant to this section shall be in such amounts as shall apportion the entire cost of the solid waste collection and disposal services and among the users of such services in a fair and equitable manner. The factors for such apportionment may include the cost of collecting solid waste, the fees charged to the City for disposal of solid waste, administrative and labor costs, capital costs for maintaining the system, costs for regulatory compliance, the frequency of collection, the type of waste collected, revenues derived from recycling, other sources of revenue, fixed and incremental costs of service, and other appropriate factors.

Certain additional fees for incidental services or waste disposal occurrence shall be established by Resolution adopted by the Raton City Commission. Fixed solid waste fees shall be billed on monthly Raton Water Works bills where applicable, and the same shall be paid thusly. For all residential, commercial or others users of Raton Water Works water services within the municipal boundaries, a minimum monthly fee shall be paid for each residential and commercial unit, or any other entity, for solid waste services. The solid waste fee shall not be abated or refunded by reason of there being a lack of use of any residence or building for a period of time unless the water has been disconnected from the residence or building. The City of Raton shall seek reimbursement from property owner for any costs incurred by a tenant.

The same shall apply to all users, generators and units out of the municipal boundaries if users and generators utilize City of Raton solid waste services or if alternate solid waste services are unavailable. Raton Water Works is hereby authorized to discontinue any or all water and sewer service to any premises if the entire water/ sewer and solid waste bill is not paid when due. Charges shall become delinquent as provided for water/ sewer charges, and to be subject to the same penalties as provided in the case of nonpayment of water/ sewer charges.

In addition to any deposits required by existing ordinances to guarantee payment of water/ sewer charges, the City may require reasonable deposits toward payment of solid waste charges, and the City shall have the right to offset any such deposit or deposits against any part of a water, sewer and solid waste bill which is past due. If any water or sanitation service to any premises is discontinued for nonpayment of fees, the City may refuse to resume any of such services to those premises until the owner or occupant thereof shall have paid (1) all past due fees, for water, sewer and sanitation services accrued since the effective date of this

ordinance, and (2) any reasonable deposit required by the City as a guarantee for payment of future services.

This method of collection of fees is hereby extended to include the costs of correcting or removing all accumulations of waste, debris, garbage, refuse, rubbish, filth, clutter or trash in or about public and private establishments, all residences or premises whatsoever that is necessary to protect and preserve the health, welfare, safety and cleanliness of the municipality. In the case of extensive or costly correction or removal, the City may use any other method for recovery of the cost of correcting or removing these nuisances that is allowed by law, plus penalties for violations as herein provided.

**§ 50.36 RESIDENTIAL.**

(A) *Generally.*

Each residential structure, including each single home, each apartment unit, each duplex unit, each dwelling unit and each mobile home shall be considered an individual residential unit and the owner, occupant or tenant of each such residential unit shall pay a fee for the collection and disposal of solid waste for each such residential unit.

- (1) *Residential rate.* The residential rate is based upon one collection per week at \$25.60 per month.

**§ 50.37 COMMERCIAL.**

(A) *Generally.*

- (1) *Commercial rates.* Rates are given on a per container/per number of pickups each week.

<i>Commercial Pickup Size</i>	<i>Rate Amount</i>
2.0 cubic yard and 1.5 cubic yard dumpster	\$36
3 cubic yard dumpster	\$72
Minimum rate*	\$36
Sunday collection**	\$60
NOTES TO TABLE:	
* For commercial customers sharing a dumpster having a container picked up once per week. ** Sunday collection is provided for 3 CY containers only. This rate will be charged over the full 12-month period and Sunday pickup will count as a container collection.	

### **§ 50.38 REFUSAL.**

The city specifically reserves the right to refuse service to any person or entity outside the municipal boundaries unless a specific agreement has been approved by the City Manager.

### **§ 50.39 REFUSE BILLING.**

All refuse and municipal solid waste billings shall be deemed correct and not subject to modification, unless objection is made thereto to the City in writing within 60 calendar days after the billing was issued. In addition to any other remedy provided in §§ 50.01 *et seq.* through 50.39 *et seq.*, inclusive; and in accordance with NMSA § 3-23-1, if payment of any charge for refuse service is not paid within 30 days from the date the payment is due, water service may be discontinued and shall not again be supplied to the person liable for the payment thereof until the arrears, with interest and penalties, have been fully paid.

## **LITTERING**

### **§ 50.50 DEFINITIONS.**

For the purpose of §§ 50.50 *et seq.*, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AUTHORIZED PRIVATE RECEPTACLE.*** A litter storage and collection receptacle as required and authorized in the applicable refuse collection system ordinance.

***CITY.*** The City of Raton, New Mexico.

***CITY MANAGER.*** The chief administrative officer of the City of Raton, or his or her designated representative.

***GARBAGE.*** Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

***LITTER.*** “Garbage,” “refuse,” and “rubbish” as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

***NEWSPAPER.*** Any newspaper of general circulation as defined by general law and duly entered with the postal service of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto shall mean and include any periodical or current magazine regularly published, with not less than 4 issues per year, and sold to the public.

**PARK.** A park, swimming pool, playground, recreation center, golf course, or any other public area in the city, owned or used by the city, and devoted to active or passive recreation.

**PERSON.** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**PRIVATE PREMISES OR LAND.** Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, land without buildings, walk, driveway, porch, steps, vestibule, or mailbox belonging or appurtenant to the dwelling, house, building, or other structure.

**PUBLIC PLACE.** Any and all streets, sidewalks, boulevards, alleys, or other public parks, sources, spaces, drainage channels, grounds, and buildings.

**REFUSE.** All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

**RUBBISH.** Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, and similar materials.

**VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

Penalty, see § 50.99

#### **§ 50.51 LITTER IN PUBLIC PLACES.**

No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city, except in public receptacles or authorized private receptacles for collection or other authorized solid waste facility.

Penalty, see § 50.99

#### **§ 50.52 PLACEMENT OF LITTER IN RECEPTACLE SO AS TO PREVENT SCATTERING.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in the manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, or other public or private place.

Penalty, see § 50.99

**§ 50.53 SWEEPING LITTER INTO GUTTERS PROHIBITED.**

No person shall sweep into or deposit in any gutter, street, or other public or private place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk or driveways abutting their premises clean and free of litter.

Penalty, see § 50.99

**§ 50.54 MERCHANTS DUTY TO KEEP SIDEWALKS FREE OF LITTER.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street, or other public or private place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk abutting their business premises clean and free of litter.

Penalty, see § 50.99

**§ 50.55 LITTER THROWN BY PERSONS IN VEHICLES.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any private property, any street, or other public place within the city.

Penalty, see § 50.99

**§ 50.56 TRUCK LOADS CAUSING LITTER.**

No person shall drive or move any truck or other vehicle within the city, unless the vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley, or other private or public place.

Penalty, see § 50.99

**§ 50.57 LITTER IN PARKS.**

No person shall throw or deposit litter in any park within the city, except in public receptacles and in a manner so that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other private or public place. Where

public receptacles are not provided, all the litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Penalty, see § 50.99

**§ 50.58 LITTER IN ARROYOS, RIVERS, OR STREAMS.**

No person shall throw or deposit litter, tree trimmings, or rubble in any pond, arroyos, ditches, streams, or any body of water in a park or elsewhere in the city.

Penalty, see § 50.99

**§ 50.59 OWNER TO MAINTAIN PREMISES FREE OF LITTER.**

- (A) The owner or person in control of any private property shall at all times maintain the premises free of litter.
- (B) This section shall not prohibit the storage of litter in authorized private receptacles for collection.

Penalty, see § 50.99

**§ 50.60 DEPOSITING LITTER ON VACANT LOTS.**

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by the person or not.

Penalty, see § 50.99

**§ 50.61 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY.**

The City Manager is hereby authorized and empowered to notify the owner of any open or vacant private property within the city, or the agent of the owner, to properly dispose of litter located on the owner's property. The notice shall be by certified mail, addressed to the owner or agent at his or her last known address, or by personal delivery.

**§ 50.62 EXEMPTIONS FOR MAIL AND NEWSPAPERS.**

The provisions of §§ 50.01 et seq. through 50.39 et seq., inclusive; shall not apply to the distribution of mail by the United States, nor to newspapers, as defined in § 50.50.

**§ 50.99 PENALTY.**

- (A) (1) Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any provision or the failure to perform any act shall be punishable by a fine of not exceeding \$500 or by imprisonment not to exceed 90 days, or by both the fine and imprisonment, in the discretion of the court.
- (2) Each day any violation or failure to perform the act shall continue shall constitute a separate offense and a separate violation of an ordinance of this city, unless otherwise specifically provided.
- (B) Any infraction of §§ 50.01 *et seq.* through 50.39 *et seq.*, inclusive; will be subject to a fine of not less than \$100 per day and not more than \$500 per day for each incident.
- (C) (1) Any person violating the provisions of § 50.55 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined a minimum of \$150, or an amount not exceeding \$500, or be imprisoned for a period not exceeding 90 days, or be both so fined and imprisoned.
- (2) Any person violating any of the provisions of § 50.50 through 50.54 and 50.56 through 50.62, as herein above described, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined a minimum of \$100, or an amount not exceeding \$200, or be imprisoned for a period not exceeding 40 days, or be both so fined and imprisoned.
- (3) Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- (D) The provisions for fines and penalties under this article shall not prohibit the City of Raton from seeking injunctive relief in addition to fines and penalties.