

SOLID WASTE ORDINANCE #24-04
AMENDING ORDINANCE #10-20
SECTION 361-10 – SERVICES, RATES AND CHARGES
AN ORDINANCE AMENDING SECTION 361-10 – SERVICES, RATES AND CHARGES OF
THE CITY OF LAS VEGAS SOLID WASTE ORDINANCE AND ADDING A NEW
SECTION 361-12 PAYMENTS; DELINQUENCIES; LIENS; DISCONNECTIONS

WHEREAS, the present section amends the Services, Rates and Charges

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO, THAT SECTION 361-10 E. and F. OF THE SOLID WASTE ORDINANCE BE AMENDED AS FOLLOWS INTO NEW SECTION 361-12 PAYMENTS; DELINQUENCIES; LIENS; DISCONNECTIONS.

WHEREAS, the present section amends the Services, Rates and Charges

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO, THAT SECTION 361-10 OF THE SOLID WASTE ORDINANCE BE AMENDED AS FOLLOWS AND SECTION 361-12 BE ADDED AS FOLLOWS:

§ 361-10 Services, rates and charges.

[Amended 7-20-2005 by Ord. No. 05-10; 8-17-2005 by Ord. No. 05-15; 9-21-2005 by Ord. No. 05-19; 6-7-2006 by Ord. No. 06-10; 7-15-2009 by Ord. No. 09-08; 7-28-2010 by Ord. No. 10-20]

The rates, charges and services of the City's solid waste utility shall be as described and defined below for customers receiving solid waste service inside the City limits:

A. Residential service.

- (1) Residences are defined as single-family dwellings, each apartment unit of any apartment complex, and each mobile home occupied as a place of residence whether located within or outside a so-called trailer or mobile home park. Each such residence shall pay the rates listed in the attached Rate Schedule 1^[1] for the use of a single cart which shall be emptied by the City once per week. Each additional cart provided to the same residence shall result in charges according to rates listed in the attached Rate Schedule 1. Each residence shall be limited to the use of two carts. The occupant and the owner of the residence shall be responsible for the cart, which remains the property of the City. The account holder shall pay \$75 for cart replacement due to damage or theft as listed in the attached Rate Schedule 3.^[2]

[1] *Editor's Note: The current rate schedules are available from the City offices.*

[2] *Editor's Note: The current rate schedules are available from the City offices.*

- (2) In the event that the City deems that the area around a residential container must be cleaned, the City shall perform this service for a charge according to rates listed in the attached Rate Schedule 3.
- (3) Any residential customer of the City's solid waste utility requiring special pickup of solid waste shall be billed an additional amount according to rates listed in the attached Rate Schedule 3.
- (4) Note: Residential pickup fees shall include an automatic 42.6% increase on February 1, 2011, and subsequent 5% yearly increases for fiscal year 2012 through 2015. The adjustment shall be reflected in an update to the attached Rate Schedule 1.

B. Exemption.

- (1) A person who owns or rents a residence shall receive a \$5 per month exemption from the residential container charge if the following criteria are met:
 - (a) The person shall complete an exemption application annually and submit it to the City's Customer Service division. The exemption shall be reviewed and revised if a name change is requested for that residence. The exemption application shall be maintained at the Customer Service division.
 - (b) The applicant shall present a valid medicare or medicaid card and evidence that he/she is a senior citizen 55 years or older.
 - (c) The applicant shall present evidence that he/she is the titled owner and is the full-time occupant of the residence where service is being provided; or the applicant shall present a rental or lease agreement signed by the owner of the property in which the applicant is residing showing the applicant to be the legal tenant. The applicant shall also provide evidence that he/she is the full-time occupant of the property.
- (2) In the event that the applicant fails to pay any charge for solid waste utility service throughout the exemption period, the exemption shall be nullified and regular charges for services shall be assessed for the exemption period.

C. Commercial service.

- (1) Monthly charges for commercial services are based on container size and frequency of pickup listed in the attached Rate Schedule 2.^[3]

[3] *Editor's Note: The current rate schedules are available from the City offices.*
- (2) Note: Commercial pickup fees shall include an automatic 42.6% increase on February 1, 2011, and subsequent 5% yearly increases for fiscal year 2012 through 2015. The adjustment shall be reflected in an update to the attached Rate Schedule 1.

D. Additional conditions.

- (1) Mixed residential/commercial use. Commercial establishments which contain on the premises a residence in which the owner or operator of the commercial establishment maintains his/her residence shall be assessed commercial charges only. However, in the

event the residence is occupied by persons other than the owner or operator of the commercial establishment, the charges made for solid waste utility services shall be based on both residential and commercial rates. Charges shall be determined by the waste service(s) provided to the premises and the business license.

- (2)** Compulsory collection and services fees. Except as otherwise provided, every person owning or controlling real property with a structure on said property within the City shall pay the solid waste collection or disposal fees established and provided for by this chapter.
- (3)** Payment of fees. The billing and collection of charges for container and other related solid waste utility services provided by this chapter shall be done by the City's Customer Service Division. Services provided at the transfer station may be billed through the Customer Service Division or may be paid in cash at the transfer station.
- (4)** Responsibility for payment of charges.
 - (a)** If a landlord does not wish to be responsible for specific, or any utilities incurred on their rental property(ies), they must submit a notarized landlord waiver of responsibility form to the City of Las Vegas Utilities Department, located at 905 12th Street.
 - (b)** If such form is not submitted, the landlord is responsible for any charges accrued, pursuant to NMSA 1978, § 3-23-6, and if utility charges are not paid to the City within six months after the initial billing date, a lien against the property shall be filed according to NMSA 1978, § 3-36-1. The landlord shall submit a landlord utilities waiver of responsibility form only once for each rental property involving said waiver of utility payment.
 - (c)** Additional requirements.
 - [1]** Landlord standby utilities agreement. The landlord must enter into a landlord standby utilities agreement with the City to have those services provided by the City Utilities Department. Provision of standby utilities services are optional and will be provided only to those landlords requesting said standby services.
 - [2]** Landlord/tenant filing system. The City of Las Vegas Utilities Department shall maintain a comprehensive filing system that will contain any and all agreements, waivers and forms requesting utility service covered in this chapter. A separate file will be maintained for each landlord and each utility service address.
- (5)** Automatic rate adjustment. Annual automatic adjustments to the rates and charges of the Solid Waste Utility may be made through application of the Consumer Price Index (CPI-U) which is maintained by the US government.

- (a)** Adjustments. The adjustment shall be authorized by the City Manager only after examination of the financial performance of the utility in the past fiscal year.
- (6)** Emergency adjustments to rates and charges. Due to the nature of the operations of the solid waste utility, the City recognizes that there may be unforeseen or emergency situations that would require rapid adjustment of the rates and charges of the utility. The City shall implement such emergency rate adjustments, provided that the following conditions are met:
 - (a)** The issue requiring an emergency rate adjustment shall be presented to the City's Utility and Finance Committees. Concurrence for the action by these two Committees is required to implement the emergency rate adjustment.
 - (b)** An emergency rate adjustment shall be considered only an interim action. In the event this chapter is not amended to permanently change the rates and charges of the solid waste utility within 90 days of the implementation of the emergency adjustment, the rates and charges shall revert back to those in effect prior to the implementation of the emergency adjustment.

Chapter 361 Solid Waste

§361-12 PAYMENTS; DELINQUENCIES; LIENS; DISCONNECTIONS

- A.** Unless otherwise provided, billings shall be made on a monthly basis. All amounts due shall be payable when billed and shall become delinquent if not paid by the due date, a minimum of 20 days from billing.
- B.** The City may take the following actions in response to delinquent user fees:
 - (1)** If payment of any amount due is not made by the due date, the bill will be deemed delinquent and the customer will be given 15 calendar days from the date the bill is deemed delinquent before utilities to the property are discontinued and shall not be again resumed until payment of amounts due, plus any penalties and interest, have been paid in full or an arrangement has been made. Reasonable notice and right to protest must be given to the customer prior to actual cut-off of utilities. The City's Customer Service Division shall notify the customer of delinquent amounts and that service shall be terminated on a particular date, not less than 15 days after mailing the notice. Each delinquent notice shall contain the following language:

“This is to notify you that unless you bring your utility account(s) current, your service(s) will be cut off 15 days after the date this notice was mailed. You have the right to protest this termination as unjustified if you believe that you have been overcharged or charged for services not rendered. If you believe there is a mistake in this billing, you have the right to be heard and to present your argument and evidence. The City will evaluate your complaint and

determine whether you owe the amounts in question. To protest this billing, you must contact the City's Collection Agent at 505-454-1401, prior to the cut-off date.”

- (2) If a customer is delinquent in the payment of utilities at one location, the customer shall not be entitled to utilities at another location until such prior delinquency has been paid.
- (3) If utilities owed are not paid to the City within six months after the initial billing date, a lien against the property shall be filed according to the New Mexico State Statutes.
- (4) The City may disconnect the private service line of the delinquent account from the City collection line and plug said private line.

C. Late payment fee. All amounts billed for utilities or other charges specified in this chapter shall be due and payable when the bill is issued, and shall become subject to a late payment fee in the event the customer fails to pay any amount due at the time of the issuance of the next bill. The City shall assess a fee of 1.25% per month to amounts which have not been paid at the time of the issuance of the next bill. The fee shall be compounded for each month for which amounts remain unpaid.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2024.

Mayor David Romero

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY

City Attorney