

ORDINANCE NO. 94-3**ORDINANCE REGULATING THE CREATION AND ESTABLISHMENT OF SOLID WASTE FACILITIES IN ROOSEVELT COUNTY.**

BE IT ENACTED BY THE GOVERNING BODY, THAT IS THE COUNTY COMMISSION OF THE COUNTY OF ROOSEVELT, STATE OF NEW MEXICO.

SECTION A: RECITALS:

WHEREAS, the Roosevelt County Commission has become aware that one or more individuals or entities are or may be contemplating, now or in the future, the establishment of Solid Waste facilities in the County of Roosevelt, as that term is defined by §74-9-3(P), NMSA 1978 (as amended); and

WHEREAS, the Roosevelt County Commission has the responsibility of providing for the safety and preserving the health and prosperity of the residents of Roosevelt County, pursuant to Constitutional and statutory authority; and

WHEREAS, the establishment of solid waste facilities in Roosevelt County can and may substantially affect the health, safety and welfare of the inhabitants of Roosevelt County; and

WHEREAS, the Roosevelt County Commission has determined that the most appropriate method to protect the health, safety and welfare of the residents of Roosevelt County from the hazards and detrimental effects associated with creating a solid waste facility is by establishing a procedure whereby any individual, association, group, entity, governmental unit or subdivision thereof which intends to place such a facility in Roosevelt County

be required to receive approval from the Roosevelt County Commission prior to establishing a solid waste facility in Roosevelt County.

SECTION B: COUNTY APPROVAL REQUIRED:

1. No individual, association, group, entity, governmental unit, or subdivision thereof, shall establish a solid waste facility, as that term is defined by §74-9-3(P), NMSA 1978 (as amended), in Roosevelt County, New Mexico, without the prior approval of the Roosevelt County Commission.

2. Any individual, entity, association, group, political unit, or subdivision thereof, desiring to operate or establish a solid waste facility in Roosevelt County, New Mexico shall request the approval of the Roosevelt County Commission no later than 120 days prior to the date of beginning of construction of said facility.

3. Upon receipt of the completed application, the County of Roosevelt shall have 90 days in which to approve or reject the application as submitted. If the Board of County Commissioners of the County of Roosevelt fails to act on the application within 90 days of the submission of an application for approval, the application shall be deemed approved.

4. The factors to be considered by the County in determining whether to approve or reject an application are as follows:

A. Whether the application has properly complied with the New Mexico Solid Waste Act, and received a permit to operate a land fill by the New Mexico Environment Department;

B. The extent to which the proposed facility is intended to dispose of solid

waste generated outside of Roosevelt County or the State of New Mexico;

C. The extent to which current or prospective landfills are already approved by the County Commission are adequate to satisfy the County's solid waste disposal needs;

D. The proximity of the proposed landfill site to population centers in Roosevelt County;

E. The extent to which the applicant can demonstrate financial responsibility to ensure that there are adequate sources of funds to provide for any and all contingencies concerning construction, maintenance, closure and post-closure costs associated with the site as more fully outlined in §74-9-35(A), NMSA 1978 (as amended);

F. The extent to which the proposed landfill allows the disposal of solid waste generated in Roosevelt County, in said facility, and the cost to Roosevelt County residents of disposing of solid waste in that facility;

G. Any other factors affecting the health, safety and welfare of the residents of Roosevelt County.

5. The application for approval shall be responsible for submitting all information necessary to properly allow the County to evaluate the above criteria. The County Administrator is hereby authorized to take whatever steps the Administrator deems appropriate in establishing an application form, and specific informational requirements which must be met to constitute a completed application.

SECTION C: ENFORCEMENT:

The County Administrator for the County of Roosevelt is hereby designated as the individual responsible for the enforcement of this Ordinance, and is hereby authorized to take whatever steps necessary to ensure its enforcement, including the pursuit of a civil action in the District Court of Roosevelt County for injunctive relief against any individual, entity, association, group, political unit, or subdivision thereof, which attempts to establish a solid waste facility in violation of the provisions of this ordinance.

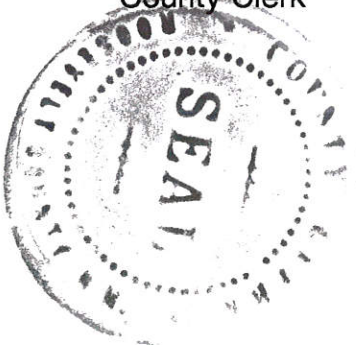
ADOPTED this 30th day of December, 1994.

ROOSEVELT COUNTY COMMISSION

BY: David C. Sanders
David Sanders, Chairman

ATTEST:

Joyce Lee Inge, Dep.
County Clerk



ROOSEVELT CO. NM
BK. 21 PG. 519
1995 JAN -4 PM 2:08
MAUDENE HARAGAN-CLERK

BY: Joyce Lee Inge

