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RELATING TO MUNICIPALITIES; AMENDING THE MUNICIPAL CODE TO PROVIDE
AUTHORITY FOR MUNICIPALITIES TO CHARGE YARD WASTE FEES AGAINST REAL
PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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Section 1. Section 3-48-1 NMSA 1978 (being Laws 1965, Chapter 300,
Section 14-49-1) is amended to read:

"3-48-1. REFUSE--YARD WASTE--DEFINITIONS.--As used in Chapter 3,
Article 48 NMSA 1978:

A. "refuse" means any garbage, rejected or waste food, offal, swill,
carrion, ashes, dirt, slop, waste paper, trash, rubbish, waste or unwholesome material
of any kind; and

B. "yard waste" means yard clippings, grass cuttings, yard cleanings,
fallen trees, tree limbs, slash and pine needles."

Section 2. Section 3-48-3 NMSA 1978 (being Laws 1965, Chapter 300,
Section 14-49-3) is amended to read:

"3-48-3. REFUSE--AUTHORITY TO COLLECT AND DISPOSE--FEE.--

A. A municipality may, by ordinance, provide for the collection and
disposal of refuse by:

- (1) the municipality;
- (2) contract; or
- (3) any other manner deemed suitable by the municipality.

B. A municipality may appoint or contract with a refuse collector and

prescribe the duties and compensation of a refuse collector.

C. A municipality may require each person owning or controlling real property to pay a reasonable fee for the collection and disposal of refuse and shall determine if the municipality or the refuse collector shall collect the fee for the collection and disposal of refuse. The refuse collection fee shall only be charged against real property that is occupied or has been previously occupied.

D. A municipality providing for the collection of refuse may require any person owning or controlling real property to pay the refuse collection fee whether or not the refuse collection service is used by the person owning or controlling real property.

E. A municipality providing for the collection and disposal of yard waste may require any person owning or controlling real property to pay a yard waste collection and disposal fee."