



VILLAGE OF CORRALES

ORDINANCE NO. 11-010

AN ORDINANCE AMENDING SECTION 24-20 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CORRALES, BEING SECTION 1 OF ORDINANCE NO. 28, ADOPTED JUNE 21, 1972, AS AMENDED BY ORDINANCE NO. 189, ADOPTED FEBRUARY 15, 1988 AND BY ORDINANCE NO. 05-02, ADOPTED APRIL 26, 2005; PROHIBITING THE DEPOSIT OF LITTER OR WASTE MATERIALS ON PUBLIC OR PRIVATE LANDS IN THE VILLAGE; PROHIBITING THE DEPOSIT OF LITTER OR WASTE MATERIALS IN WATER COURSES THAT DISCHARGE INTO THE RIO GRANDE; ESTABLISHING PENALTIES FOR VIOLATION.

WHEREAS, the Village Council, the governing body (“Governing Body”) of the Village of Corrales (the “Village”) has by Ordinance No. 28, adopted June 21, 1972, and as subsequently amended, prohibited the deposit or scattering of litter or other waste materials on public and private properties within the Village and has provided appropriate penalties for violation; and

WHEREAS, pursuant to the National Pollutant Discharge Elimination System (“NPDES”) stormwater program established and promulgated by the U.S. Environmental Protection Agency (“EPA”), the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, Permit No. NMR040000, issued by the EPA on May 31, 2007 (the “General Permit”) and the Stormwater Phase II Final Rule issued by the EPA on December 8, 1999, the Village is deemed to be a part of an “urbanized area” and to be the operator of a small “municipal separate storm sewer system” (an “sMS4”) consisting of those roads, streets, drainage systems, catch basins, ditches, man-made channels and storm drains owned by the Village that are designed or used for collecting or conveying stormwater and that discharge to, or could discharge to, the waters of the United States; and

WHEREAS, the Rio Grande which constitutes the eastern boundary of the Village is included among the waters of the United States; and

WHEREAS, pursuant to the General Permit and the Stormwater Phase II Final Rule, it is incumbent upon the Village to take appropriate action to provide that the discharge or potential discharge of pollutants, such as solid and liquid wastes, oil, grease, pesticides, sediment from construction sites, and trash, into the waters of the United States from the Village’s sMS4 system shall be minimized to the extent reasonably possible; and

WHEREAS, the Governing Body further finds and determines that the deposit of rubbish, trash, solid and liquid wastes, oil, grease, pesticides, sediment from construction sites and like materials on or within any watercourse in the Village, whether or not such watercourse constitutes a part of the Village's SMS4 system, is a nuisance that is injurious to the public health, safety and welfare of the residents of the Village; and

WHEREAS, for the foregoing reasons the Governing Body finds and determines that the deposit of such materials in watercourses in the Village should be clearly prohibited and that a penalty should be established for violations.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that Section 24-20 of the Code of Ordinances of the Village, being Section 1 of Ordinance No. 28, adopted June 21, 1972, as amended by Ordinance No. 189, adopted February 15, 1988, and by Ordinance No. 05-02, adopted April 26, 2005, is amended to read, in its entirety, as follows:

Section 24-20. Littering.

(a) It shall be unlawful for any person intentionally to throw or permit to be deposited or scattered upon any sidewalk, alley, street or public property or upon the private property of another any rubbish, waste, trash or other disposed material of any kind.

(b) It shall be unlawful for any person intentionally to throw or permit to be deposited, discharged or scattered upon or within any arroyo, ditch, drainage channel, stormwater detention or retention reservoir, pond or watercourse any rubbish, trash, liquid or solid waste, oil, grease, pesticide, or other waste materials; provided, however, that irrigation return flows or runoff from roadways into such watercourses shall not be deemed a violation of this section merely because they may contain small concentrations of oil, grease, sediment, pesticide, or other waste materials that are a normal product of agricultural activities or the use of the roadway, and that cannot reasonably be physically separated from such irrigation return flows or runoff; and provided, further, that the spraying or distribution of pesticides, oils, or other materials by authorized officers and employees of Sandoval County or any other public authority, for the purpose of reducing or eliminating mosquitoes and their larvae or any other insects, arachnids or vermin that are injurious to the public health, safety and welfare, shall not be deemed a violation of this section.

(c) Violation of this section or any provision contained in this section shall be punishable by a fine of no less than one hundred dollars (\$100.00) and no greater than five hundred dollars (\$500.00), or imprisonment for not more than ninety (90) days, or both. In the event of continuing or repeated deposition, discharge or scattering of materials in violation of any provision contained in this section, each day that such deposition, discharge or scattering of materials continues or is repeated shall constitute a separate offense.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or


unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance shall be incorporated in and compiled as a part of the Code of Ordinances of the Village of Corrales as provided herein.

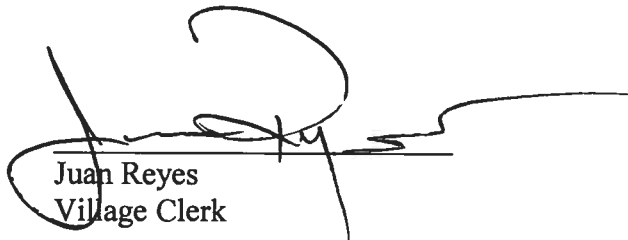
EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 10th day of May, 2011.

APPROVED:


The Honorable Philip Gasteyer
Mayor, Village of Corrales

ATTEST:


Juan Reyes
Village Clerk