

**ORDINANCE NO. 1283**

**AN ORDINANCE AMENDING CHAPTER 40 (SOLID WASTE AND RECYCLABLE MATERIALS), SECTION 40-47 (b) (2) (c.) OF THE CODE OF ORDINANCES OF THE TOWN OF SILVER CITY**

Sponsored by: Councilor Lynda D. Aiman-Smith

**WHEREAS**, the Town Council has authority under its Territorial Charter and its Municipal Code to pass ordinances designed to promote the general welfare, protect public safety, and regulate certain activities within the Town; and

**WHEREAS**, the Town Council has specific authority under Chapter 40, Section 40-47 to provide for the collection, transport, and disposal of solid waste and recyclable material, either by its own resources, or by contracting for such services with a qualified third party; and

**WHEREAS**, the Town is likely to contract with a third party for such services, and has been advised of the authority of the Town Council to cancel or revoke any such contract at any time for non-compliance after thirty-days of notice and an opportunity for the contractor to be heard; and

**WHEREAS**, the Town Council finds that the monitoring of the performance of the contract and the obligation to inform the Town Council of non-compliance lies upon the Town Manager; and

**WHEREAS**, while the authority to revoke or cancel the contract should remain with the Town Council, the imposition of arbitrary time periods in the Town's ordinances may interfere with contract terms which may provide for opportunity to cure a noncompliance or material breach of the contract; and

**WHEREAS**, the Town Council finds that this amendment is appropriate and necessary for the health, safety, and welfare of the Town and its inhabitants;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Town of Silver City, Grant County, New Mexico, that:

Chapter 40, Section 40-46 (b.) (2) c. is deleted in its entirety and replaced with:

*c. Cancellation/Revocation.* Upon recommendation of the Town Manager and in accordance with the terms of the contract, the Town Council, at its discretion and after public hearing, may cancel/revoke such contract by resolution upon a finding of noncompliance with the terms of the contract or municipal ordinances. The contracted party shall be given notice of the hearing and shall be permitted to appear and give testimony.

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**PASSED, APPROVED, AND ADOPTED this 13th day of August, 2019.**

(Seal)

/s/ \_\_\_\_\_  
Ken Ladner, Mayor

Attest:

/s/ \_\_\_\_\_  
Ann L. Mackie, Town Clerk