

INCORPORATED COUNTY OF LOS ALAMOS RESOLUTION NO. 18-08

A RESOLUTION DECLARING A MORATORIUM OF SIXTY (60) DAYS ON THE ENFORCEMENT OF OR ISSUANCE OF VARIOUS NOTICES AND CITATIONS OF ARTICLE II OF CHAPTER 18 AND CHAPTER 16 OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES, EXCEPT FOR VIOLATIONS IMMEDIATELY EFFECTING HEALTH, SAFETY, AND WELFARE

WHEREAS, the Incorporated County of Los Alamos ("County") is a home rule charter municipality, as allowed by N.M. Constitution, Article X, Section 6; and

WHEREAS, New Mexico statutes, Chapter 3, Article 21, grants home rule municipalities, including the Incorporated County of Los Alamos, the power to regulate land and its uses within its jurisdiction; and

WHEREAS, New Mexico Statutes, Chapter 3, Article 18, authorizes home rule municipalities to regulate, abate, and impose penalties upon persons who create and maintain nuisances; and

WHEREAS, the County, in Chapter 18, Article II of the Los Alamos County Code of Ordinances ("Code"), and in other Code provisions, has adopted various ordinances regulating the use of land including the exterior of private property within the County; and

WHEREAS, the County Council ("Council"), as part of its strategic goals in 2016 and 2017, directed the Community Development Department (CDD), through its Code Enforcement Division ("Code Enforcement"), to enhance its property maintenance inspections to remove blight within the County; and

WHEREAS, some County citizens have expressed concern that the current enforcement activities of exterior property by CDD has not provided them with sufficient time to correct the alleged violations; and

WHEREAS, Council is currently considering the amendment of Code Section 18-36, to increase the minimum time provided to citizens to correct alleged violations of the Code; and

WHEREAS, Council is also considering the adoption of a code ordinance to create a citizen board to receive and provide citizen input to Council on property maintenance enforcement recommendations; and

WHEREAS, until the code ordinances have been enacted and become effective, Council finds that it is necessary to restrict and/or limit further CDD Code Enforcement activity related to Chapter 18, Article II; and

WHEREAS, CDD and Code Enforcement shall continue to enforce Article II of Chapter 18, where such alleged violations directly and immediately affect the public's health, safety, and welfare or create a public nuisance; and

WHEREAS, Council finds that the moratorium is necessary to allow Council time to amend Section 18-36 of Article II, Chapter 18, to provide the owners, occupants or tenants with additional time to correct alleged violations and to create the citizen board; and

WHEREAS, Council further finds that such moratoria will not adversely impact the public's health, safety, and welfare as CDD staff are directed to continue to enforce Article II, Chapter 18, where it immediately effects or impacts the public's health, safety, and welfare.

NOW THEREFORE BE IT RESOLVED by the governing body of the Incorporated County of Los Alamos, that:

Section 1. Moratorium. That upon the effective date of this Resolution and for a period of sixty (60) days or until such time as the Community Development Advisory Board is appointed and has their first meeting, whichever is less, CDD and Code Enforcement staff shall not act upon any complaint or act including issuance of a notice or citation for an alleged violation of the following County Code provisions:

- (a) 18-33, "Responsibility", subsection (b);
- (b) 18-42, "Weeds, brush piles, refuse and rubbish", subsection (b);
- (c) 18-44, "Outdoor storage of materials";
- (d) 18-45, "Rodent Harborage";
- (e) 18-52, "Protective treatment";
- (f) 18-59, "Overhang extensions";
- (g) 18-61, "Chimneys and towers"; and
- (h) 16-281, "Inoperable vehicles", subsection (a).

Section 2. This Resolution shall not in any way apply to or limit any County staff to take appropriate action where such violations constitute an emergency or which directly affects or impacts the immediate health, safety, and welfare of the County or community.

Section 3. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 4. Effective Date. This Resolution shall become effective upon adoption.
PASSED AND ADOPTED this 3rd day of April, 2018.

INCORPORATED COUNTY OF LOS ALAMOS

**David Izraelevitz,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**